

CITY COUNCIL MINUTES

July 9, 2012

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, July 9, 2012 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President Connie Robinson presiding. The following business was conducted.

These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

ROLL CALL:

Present: McGinn, Mosby, Friend, Lindsey, Adams, Weaver, Robinson.

Absent: Brinkerhoff-Riley, O'Daniel

There being seven (7) members present and two (2) members absent and seven (7) members representing a quorum, I hereby declare this session of the Common Council officially open.

PLEDGE OF ALLEGIANCE

This evening the pledge of allegiance is led by Councilman Friend.

Fellow Councilmen and those in the audience, welcome to the July 9, 2012 meeting of the Common Council.

RECOGNITION OF SCHOOLS

Are there any students in the audience that would like to be recognized?

COUNCIL ATTORNEY

This evening John Hamilton is City Council Attorney.

SERGEANT AT ARMS

This evening Officer Doane is our Sergeant at Arms.

READING AND AMENDMENT OF MINUTES

Is there a motion to approve the minutes of the June 25, 2012 meeting of the Common Council as written?

Councilman Friend moved and Councilman Adams seconded the motion to approve the minutes of the regular meeting of the Common Council held June 25, 2012 as written. Voice vote. So ordered.

REPORTS AND COMMUNICATIONS

IN YOUR JULY 6TH PACKET:

- *City Council Agenda for the July 9, 2012 City Council meeting.
- *Committee Meeting Schedule.
- *City Council Meeting Minutes from the June 25, 2012.
- *Ordinances G-2012-12, G-2012-13, and F-2012-10.
- *Rezoning Ordinance R-2012-16.
- *Resolution C-2012-15.
- *Area Plan Commission Staff Reports and Minutes of the APC June 14, 2012 Meeting.
- *Schedule of Meetings in the City/County Administration Bldg. for July, 2012.

Councilman Mosby moved and Councilman Weaver seconded the motion to receive, file and make these reports and communications a part of the minutes of the meeting. Voice vote. So ordered.

CONSENT AGENDA

FIRST READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE G-2012-12 PUBLIC WORKS McGINN

An Ordinance amending Chapter 13.20 (Wastewater Discharge Regulations) of the Evansville Municipal Code

ORDINANCE G-2012-13 A.S.D. (MOSBY) LINDSEY

An Ordinance of the Common Council of the City of Evansville, Indiana, amending Chapter 2.50 adding Section 2.50.041 of the Evansville City Code

ORDINANCE F-2012-10 FINANCE FRIEND

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers and Appropriations, Additional Appropriations, and Repeal and Re-Appropriation of Funds for Various City Funds

RESOLUTION C-2012-15 FINANCE FRIEND

A Resolution of the Common Council of the City of Evansville Ratifying, Confirming, Authorizing and Approving an Agreement between the City of Evansville and International Association of Firefighters Evansville Local No. 357 Inc.

March 1, 2012 through December 31, 2012.

ORDINANCE R-2012-16 TO APC C-1 to R-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 9 W. Missouri St. Evansville, Indiana

Petitioner: Scott Ashenbremer

Owner: Same

Representative: Same

District: Stephanie Brinkerhoff Riley – Ward 3

Councilman Friend moved and Councilman Adams seconded the motion to adopt the Consent Agenda First Reading as written.. Voice vote. So ordered.

CONSENT AGENDA

SECOND READING OF ZONING ORDINANCES

ORDINANCE R-2012-9 FROM APC R-1 to C-4

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 801 Prosperity Avenue.

Petitioner: JA Properties, LLC

Owners: JA Properties, LLC

Representative: Leslie Shively

District: Connie Robinson, Ward 4

This petition comes forward with no action from the Area Plan Commission, having 3 affirmative votes, 5 negative votes, and 1 abstention.

Councilman Mosby moved and Councilman McGinn seconded the motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report. Voice vote. So ordered. Council now stands at Third Reading, which is final action.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2012-9 FROM APC

R-1 to C-4

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 801 Prosperity Avenue.

Petitioner: JA Properties, LLC

Les Shively: Thank you Madam Clerk. Madam President and City Council, my name is Les Shively, representing the petitioner JA Properties, LLC, the managing member of the limited liability company Joe Assenza is in the audience as well.

First, I want to make sure that your agenda properly reflects what is before you. This is a C-4 with a Use and Development Commitment. I notice the agenda says C-4. That will be significant once we get through some of this. As I said this is a request from C-4 with a U&D Commitment. (*Inaudible*)

You can see right now on the screen the location of the property. This property is a stone's throw from Veteran's Memorial Parkway. It is located about a block and a half south of the Staub & Company yard. It is about two blocks west of Wolfe's Auto Auction. Everything except this little neighborhood area, there you see in yellow; everything else blue and around that is heavy industrial. Industrial uses extend to Kentucky Ave.

It is important to understand the history of this property. In 1983, this property was certified as an N-1 Legal/Non-Conforming. N-1 is light industrial. Here is a picture of the building. Do we happen to have a picture going back? There we go, thank you. We pulled these out to help you this afternoon. Those are the photographs of how the property looked in 1983.

Now for anything to become a Legal/Non-Conforming, the use had to be established prior to 1957 when the cities' zoning ordinance went into effect. This particular building and its light industrial use as a machine shop had to have been established prior to 1957 and that was what was done in 1983.

In 2004, because of change in ownership, it was recertified again as a machine shop. In 2011, the ownership changed as well as the type of business. It changed from a machine shop, industrial use, to a contractor; MLP Contractors, for parking for commercial vehicles for a contractor shop.

You may wonder, given all that background, why is this petition before you. It is because the Plan Commission determined that the building is Legal/Non-Conforming, not the land it sits on. In all due respect to the Plan Commission, I have never experienced that type of interpretation. It is my understanding the permanent structures kind of go with the land and the land goes with the building. I have never rezoned just a building in my 32 years; I have always rezoned land and the building goes with it. Wanting to take the path of least resistance, we actually filed to rezone it down, from Legal/Non-Conforming to C-4.

We were here in April. We did not come before the City Council; we were at the Planning Commission in April. At that meeting, some of the residents were concerned about a C-4 without any limitations. I think there are 64 or 65 C-4 uses alone, which do include the C-1 and C-2 uses. We acknowledge that

point and we asked for leave to amend our application to make it subject to a Use & Development Commitment. That U&D Commitment limits the use to a contractor shop only, no other commercial use and no outside storage of materials that would allow parking of commercial vehicles and trailers of the subject property. Commercial vehicles we are talking about are a pick-up truck type of vehicle and a small lowboy trailer. In addition, this property at 801 Prosperity has a separate address; the individual who lives immediately adjacent to the north has a separate description and operates the business. He lives right next door with his wife, and their six-year-old child. They have been there for the past eight years.

Again, the U&D Commitment will limit it only to the C-4 use. One of the other things I think it is important to note, by rezoning the property to C-4 with U&D, this property will no longer have the Legal/Non-Conforming status which we think is a good thing for the neighborhood and let me tell you why. So long as it remains Legal/Non-Conforming, we do not have to do screening. Normally commercial/industrial use next to residential requires screening. If this is approved, we will have to have adequate opaque screening, fence, what have you, to screen this lot and its building from the view of the other properties in the area.

The other requirement we will have to meet is the off-street parking requirement. If you will look at the Staff Field Report, it says that the Site Review Committee will determine parking of the commercial vehicles on a C-4 site. In other words, if you would take affirmative action on this application this evening, we still have to go to Commercial Site Review. They will tell us, tell my client I should say, how many vehicles they can park there, which will not be many because the lot is not that big, and how they have to park because it has to be off-street parking. We will be limited by that. At the Plan Commission meeting, Mr. Mills made it very clear that would really limit considerably the type of commercial vehicles and the number of vehicles that can park there.

You will hear this evening from folks in the neighborhood that are concerned about this rezoning. I am not quite certain what the basis of their concern is. I am sure they will have their opportunity to talk to you this evening but the two meetings I have attended for the Plan Commission here are the complaints that I have heard. First is "loud parties". Well, in the business of zoning classifications, you can have loud parties in a residential district as well as you can industrial and, frankly, my client is not clear on what they are talking about. We really do not think that is relevant to the land use if in fact, their use is breaching the peace, that is why you have law enforcement and it can be addressed that way. However, this particular change in the zoning classification, actually a downzoning, logically is not going to increase those opportunities.

There were also statements made about drinking activity and other activities in the building. Again we find it somewhat interesting because if you look at the building itself, unless the door is open to the building it is very hard to tell what is going on inside. To be able to get close enough to find out what is going on in the building, you would have to come on the property. Again, we do not know what those complaints are about. That is not a land use and zoning issue. That can happen in any neighborhood, in any circumstance and any zoning classification.

Also, complaints were raised about semi traffic in the neighborhood. First of all, semis can travel anywhere other than those places where it is posted "no semi-trailers". This rezoning is not going to be a magnet for semi-trailer traffic. As I said before, Site Review is going to limit it to one or two vehicles that can even be on this property. As Mr. Mills indicated in APC, this lot is not close to being large enough to accommodate an 18-wheel vehicle. So that would be prohibited because of Site Reviews' scrutiny on the use permit of this property.

Also, in those same comments, and we can keep it right there, comments about narrow streets. You are looking at the street right there. It seems to be a standard width city street, in fact, probably a little wider than most city streets.

My client wishes then to...in fact my client would prefer not to rezone the property. If it is Legal/Non-Conforming, that includes the land but we are trying to work with the staff. What we are doing this evening with this petition is taking it from a grandfathered-in, if you will, light industrial use down to a C-4 commercial use with a contractor shop. This is simply so we can use the land and the driveway in front of the building to store the lowboy and the one to two commercial vehicles that this gentleman uses in his business as a contractor. This way the property can remain productive so the tenant will continue to use that property and that tenant will continue to live next door with his family

We believe we have addressed all the concerns and we would be more than happy to answer any questions you have at this time.

President Robinson: Are there any questions from anyone on Council?

Councilman McGinn: Hey Les, how are you doing? A couple of questions here. Right now, are the lowboy and the truck parked inside that building?

Les Shively: Yes. I went by there today to verify and did not see them on site.

Councilman McGinn: So there is room inside the building?

Les Shively: Barely, because it is hard to have room to. You can see it is not a huge building. What he would prefer to do is to use the inside of that building for his materials.

Councilman McGinn: How long has this been a contracting business? How many years has this tenant operated his contracting business?

Les Shively: It goes back to when it was certified as a contractor shop in 2004 but it had been used as a contractor shop prior to that,

Councilman McGinn: I guess I'm having a hard time getting a handle on the fact is the non-conforming use as the use of a machine shop which is different than a contracting shop.

Les Shively: Correct and maybe I did not make that clear. Back in 2011, a change of business permit was obtained and that is when it changed from a Legal/Non-Conforming machine shop to a Legal/Non-Conforming contractor shop. That was in 2011. At that time, the staff at the APC told my client, "that's the building but it doesn't include the land".

Councilman McGinn: If the zoning is not changed, he can still operate as he is with keeping everything inside, can he not?

Les Shively: It limits his utility quite a bit. In fact, today when I went by there, the lowboy was not there. The commercial vehicle was there but it has been there on occasion because, frankly, if he is working a job and he is storing materials there at his place of business, there is not any room to put the vehicle.

Councilman McGinn: The Glenwood Neighborhood Association is being revitalized into a walking district and the Glenwood Initiative and all of that so it becomes a neighborhood, all R-1 if at all possible.

Les Shively: But it is not R-1. It is an N-1 Legal/Non-Conforming. However, I think the important thing, Councilman, to point out it is not just going to allow this use. It brings this property up to a point that it will now have to comply with all redevelopment requirements: off-street parking, screening...they do not have to do that today.

Councilman McGinn: And the person there now...he is just renting it?

Les Shively: He has been there for eight years.

Councilman McGinn: Yes, but again if in fact this is changed and if it is later rented to someone else or if he expends, we could have that whole lot become a parking lot.

Les Shively: Not really because what is going to happen is that if affirmative action is taken on this request, it will go to Commercial Site Review and they will limit how, where, and how many vehicles can be parked on the property. There is really no room to expand.

President Robinson: Les, is it fair to say that the majority of people in that block are homeowners?

Les Shively: I know they live there but I do not know how many actually own their homes.

President Robinson: I think all of them are homeowners in that block and I would say all those that are homeowners have been there for at least 20 years or more. In the 800 block of Prosperity, is there any other commercial development?

Les Shively: Yes, other than this use that has been there at least since before 195...you have got to remember this has been there as a light industrial use since before 1957. This building has never been used for residential purposes. In addition, in fact, if anything is changing, it is going again from light industrial classification, not having to comply with development requirements and a zoning ordinance, to a C-4 which is a lower type of classification. It is not really C-4, just for this one particular use as a contractor shop. So it is not really accurate to say that the entire neighborhood has been residential because this property never has been.

President Robinson: But on Prosperity Ave. most of the homes...you do not have that many commercial. I'm not talking about the whole...and as Councilman McGinn said, if I'm correct, the Greenway, the Walkway is going to come through there so people are going to be walking that way in order to get to Veteran's Memorial Parkway.

Les Shively: I have no dispute with the fact that the majority of the properties on Prosperity have a residential character, however this property never has been. It never has been used as a residential use; never has been and it is unforeseeable. It seems to me that consistent with the Greenway, consistent with making sure the use is properly regulated is to bring it into the 21st Century under our current zoning ordinance so it has to meet development standards.

President Robinson: I just see it as undesirable to have those trucks in front of that building and for the neighbors to have to look at the trucks.

Les Shively: Can we show the...the lowboy (*inaudible*). Not much more than the lowboy and the pickup truck will fit on the property. These are pictures, by the way, taken by those in the neighborhood. That is a pickup truck and a lowboy.

President Robinson: Are there any questions from any other Council members? Is there anyone in the audience that would like to speak?

Please come forward sir and state your name and address.

Thomas Bond: My name is Thomas Bond and I live at 807 Prosperity, next door to Mr. Assenzas property. We have been there a long time. I listened to the discussion and we took a petition of the neighbors up and down Prosperity and up and down Independence and nobody wants a change in zoning. For 801 Prosperity, we do not want any change; we do not want any commercial there. All the families there want to keep it residential. They are asking you for your consideration; they do not want any companies in there.

That garage used to belong to Jerry Meese, Meese Construction back years and years ago. It was used as a machine shop back then. He kept it up, he kept it going. Jerry Meese ended up selling the place. Before he sold it, he rented it out to people. He rented it out to dumpster repair people, some other people, automotive people, the US Coast Guard had it for a while. It was a machine shop, that is what it has always been. When Jerry Meese sold it, Mr. Assenza bought it and it sat and rotted. The grandfather clause ran out on it. Marion Hite used to work for Area Plan and the zoning board. She is back there; she can attest to it that the grandfather clause ran out on that property years and years and years ago. It sat, mildewed, and rotted. The picture you saw of the door in the front where people can go in and out of the front door...they do not use the front door. The construction workers use the back door; there is a back door back there. It is a sliding door as you can see right there. They use that and my property is right next to it. You can look through there and see the pool tables, you can see the poker tables, and you can hear the gambling and drinking. They drink, they are loud, and they come out drunk. They build fires on the lot. We have had the Fire Department over there.

It is nothing more than a clubhouse in there. They store no trailers in there. There is no machine shop. It has not been a machine shop since Jerry Meese had it. It is a detriment to our neighborhood and we want it gone. We do not want it there. We do not want any company there. It is supposed to be a residential garage. That is what it is supposed to be and it is not. He keeps trying to make it into something that it cannot be. Right now, there is a trailer in there with equipment on it that is not supposed to be on the property. Mr. Assenza has a trailer there with equipment and he has a big blue tarp over it. There is a trailer behind the garage. He keeps sneaking equipment in there trying to make it commercial. Maybe nobody will see but we want it out of there. We do not want it commercial.

President Robinson: Thank you. Are there any questions? Yes, Councilwoman Mosby?

Councilwoman Mosby: Yes, how long have you lived in the area?

Thomas Bond: I have been there since 1981.

Councilwoman Mosby: Okay because I am looking back through the minutes of APC and a lot have been there since 1968, 1967...

Thomas Bond: I've been there since 1981 and I've seen it sit and I've seen it mildew and rot and fall apart. Then he fixed it up and he said, "Oh, well it's a machine shop". Well it had not been a machine shop for years. It has been an empty shell sitting there so the grandfather clause went on it.

Councilwoman Mosby: Another question...I am also reading in here...is it correct that the Glenwood Neighborhood Association also opposes this rezoning?

Thomas Bond: Yes. The president...

President Robinson: The vice-president is here. I see him sitting in the audience. Lucy, the president of GNA, Glenwood Neighborhood Association, signed our petition.

Councilwoman Mosby: How many people did you have on your petition?

Thomas Bond: We had three pages.

Councilwoman Mosby: Three pages? And you have it? Good.

President Robinson: Here is the petition. Do you want it? (*Question directed at Councilwoman Mosby*)

Councilwoman Mosby: Yeah, I would like to see it.

President Robinson: Okay. Are there any other questions? Yes, Councilman Weaver.

Councilman Weaver: Mr. Shively, what is exactly going to happen with this property?

Les Shively: Yes, we will continue using the building. Use will not change, it will be a contractors' shop. The Planning Commission says the building is Legal/Non-Conforming. All this rezoning really allows us to do is park on the drive in front and on the property. Commercial vehicles, which will be limited by the size and (*inaudible*). We will not have any effect on the building at all.

President Robinson: So without this zoning, he would have to park his vehicles, what, inside the building?

Les Shively: I suspect that is what the Planning Commission is saying.

President Robinson: Now he is parking them on the street, or wherever?

Les Shively: He has not been parking on the street. He had been parking on the property but not on the street.

President Robinson: He is parking on the property. Any other questions? Okay, thank you sir. Is there anyone else in the audience? Mr. Moore

George Moore: I am George Moore. I live at 822 Prosperity and I have been out there 40 years. It seems to me it is kind of...the street is not wide. You have got to stop and let another car get by before you can get by with a car. And they want to put a *(inaudible)* right out there? I guess the street was designed in 1920. You cannot get but one car. Either way you come, you have got to stop to let somebody get by. That is all I've got to say.

President Robinson: Any questions for Mr. Moore? Thank you Mr. Moore. Mr. Reed, do you want to make a statement on behalf of the neighborhood association?

(inaudible)

Go to the microphone sir.

Michael Reed: I am just here affirming that the Glenwood Neighborhood Association is in opposition to them rezoning the property. I did hear them say the street was no wider than most city streets. There is no way that I see industrial vehicles or low riders or whatever come through there on a constant basis. I just want to say that we are in opposition of it. We are trying to improve our neighborhood and increase the number of residential places out there and we do not want any changes on there.

President Robinson: Any questions from any other Council members?

Councilman McGinn: Should we make a motion to have this petition made part of the record. I mean I will make that motion if that is proper. Madam Clerk, if you could possibly make a copy of that so that I think the homeowner...Oh, you have a copy. Great.

President Robinson: A motion was made by Councilman McGinn and seconded by Councilman Adams to make the petition part of the minutes of the meeting. Voice vote. So ordered.

(See attached petition)

Mr. Shively, I know I have traveled that street. I have lived out in that area in the Glenwood Neighborhood Association. I think that street is a narrow street. I agree with Mr. Moore that it is quite difficult for two cars. You have to pull over to the side. It is a narrow street.

Les Shively: I realize our General Assembly set up our zoning system where the legislative body, the community, has the last word and you listen to constituents. However, let's think about this logically. And we will start with the narrow roads. If this petition is denied, it is still N-1, Legal/Non-Conforming. By the way, the gentleman who spoke first is incorrect and the Planning Commission made it very clear: this property has not lost its Legal/Non-Conforming status.

President Robinson: Could I hear that from the Plan Commission?

Janet Greenwell: The neighbors filed an appeal and the Board of Zoning Appeals confirmed the Legal/Non-Conforming status but I would like to correct one thing. It is no longer considered a Legal/Non-Conforming N-1 use. It is considered a Legal/Non-Conforming Contractor Shop, which is a lesser use. The reason there is no fencing and stuff is that it is zoned R-1. They are not allowed to park vehicles there so there is no requirement for screening. It is not uncommon for Legal/Non-Conforming where there is a house on the lot and a commercial building. But we certify only the commercial building. That is something that...I just did one this week actually exactly the same way.

President Robinson: Are there any questions? Councilman Weaver.

Councilman Weaver: What kind of trucks are we talking about parking on this property?

Les Shively: A pickup truck and a trailer it pulls behind. Let's stay with the narrow roads and the truck traffic. If this particular individual could make room in this building...let me back up. If the rezoning is not approved, Jan is correct; this will be a Legal/Non-Conforming Contractor Shop. The contractor will have to move the vehicles inside the building. It will be the same vehicle, the same trailer, the only difference is, and the truck and the trailer will be inside rather than outside. They will still travel the same streets regardless whether this rezoning is approved or not. If the rezoning is approved, and this is what I was hoping to communicate to the residents out there, it no longer, and I know I have said this several times but I think this is extremely important: Legal/Non-Conformings are not favored in the law because they do not have to abide by today's zoning regulations. If you grant this rezoning, they will have to comply with off-street parking requirements. They will have to comply with the screening requirements for all parts of this property that touches any residential properties. They do not have to do that today. But if you deny this rezoning, they are still going to have trucks, they are still going to have a trailer, it still can be there legally in the building and it can traverse Prosperity Avenue.

It is important to look at this thing logically, factually and within the bounds of the law. The garage...the statement was also made this garage should be returned to a residential garage. It never has been a residential garage. It never has been. I do not know how long before 1957 the machine shop was in place but it had to have been there before '57 to have ever been certified as Legal/Non-Conforming. If you look at the big picture, we are taking a property that has never been residential; never will be residential. We will bring it into today's code and with that being said, the owner can use the building and the land the building is on for that limited use as a contractor shop and it justifies further investment to maintain that property. If the rezoning is not approved? It is a very difficult Legal/Non-Conforming to use; we can only use the building. The end game is this. Buildings, whether residential or commercial, need to be well maintained. This will foster a well-maintained building. This will also force this property, unlike it is today, to be screened from view from other properties in the area. This is not a bad thing, this a good thing if you look at it logically because at the end of the day, the building will still be used and you are still going to have commercial traffic on the road.

We ask you approve this rezoning; we think it will work well for the community if you look at the big picture with the goal of bringing all properties in conformity with today's rezoning ordinance requirements.

President Robinson: I think Councilman Lindsey has a question.

Councilman Lindsey: *(Inaudible)*

President Robinson: Al, can you turn on your microphone?

Councilman Lindsey: Does that give you more control over the property as far as...that the building itself can change? *(Inaudible)*...that the land itself is locked into one...

Janet Greenwell: The building is what was certified as Legal/Non-Conforming. The building itself was used as a machine shop and we had evidence submitted to us. We certified it as a Legal/Non-

Conforming machine shop. We recertified it in 2004 when it changed hands. In 2011, I believe, 2010, we issued a permit for contractor shop in that garage...

Councilman Lindsey: In the building itself.

Janet Greenwell: In the building itself. The Legal/Non-Conforming certification has consistently said that it is for the garage only.

Councilman Lindsey: Now I'm talking about in general. You said you just did one this week. What is the mindset behind that? Why do you do that?

Janet Greenwell: Well, if you look at the picture, it is a single lot. It has a residence.

Councilman Lindsey: You said you just did one this week. What I mean is, why do you do that in general, for anybody? Why do you do the building with one use and the land...?

Janet Greenwell: Well the intended Legal/Non-Conforming according to the ordinance is to eventually phase them out. We do not want to take anyone's rights away to use their property in a legal manner but we also don't want to grant them expansion.

Councilman Lindsey: Okay. That covers my question in the general term, what sense of it all, why do you do that so okay, that is all I want to know. Thank you.

President Robinson: Councilman Weaver

Councilman Weaver: Mr. Shively, is this the tenant's business or...

Les Shively: *(Inaudible)*

President Robinson: Councilman Friend

Councilman Friend: This is a pick-up truck that he has? *(Inaudible answer in background)* Just a regular pick-up truck? I don't know but I am wondering, there are many people that drive pick-ups and do not have businesses. That is what I am confused about. Let's say that was his only form of transportation, would he be parking that pick-up truck out in front of his house?

Les Shively: All I can tell you is he uses the pick-up along with a lowboy trailer and we were told that he could not park it on that property other than the building and that is why we are here doing the rezoning.

Councilman Friend: All I'm saying, if he had a lowboy in the building, could he not legally have the truck on the street? That is what I'm confused about because...

(Inaudible)

President Robinson: Sir, wait until you get to the microphone please.

Joseph Assenza: My name is Joseph Assenza. I live at 530 Marlene Drive in Evansville. I bought this property quite a while ago because I own a lot of rental property. I own Sunset Tower; Ms. Mosby lived in it at one time.

I bought it because it had the Legal/Non-Conforming use so I had a garage to put my materials in and I had a place to put my trailer that I brought back and forth to jobs. Eventually, I bought another piece of property that is right next to Rally's on 41 so I moved my stuff there and rented this property out to somebody else that was a contractor. The only reason I bought it to start with is that it had the Legal/Non-Conforming use. It was sold to me as two separate parcels, not a single parcel of property. Two separate parcels. I believe Mr. Shively has a copy of my deed that shows that. It is the only reason I bought it. I didn't move in there and change anything going on in that neighborhood. I did it strictly to have storage area to be able to park my flatbed trailer. I am not talking a lowboy that you need an 18-wheeler to haul. I am talking something that...in fact, my tenant no longer has a pick-up; he is actually using a Trailblazer. You would not know the difference. But Area Plan told me because he uses that trailblazer for his business, it is a commercial vehicle. It does not have commercial plates but she said it is a commercial vehicle. Well, you know I drove around town the last few days. I have seen ICI trucks, LL Construction Trucks; I cannot tell you how many different trucks in people's driveways and trailers that worked for companies that park there at night. That is one of their benefits with their job, to be able to drive that truck home. Now you are saying that I cannot use a piece of property that I own to park a truck that I use to make my living with on that property. That does not make sense to me. Especially since I bought it with a clear understanding when I went to Area Planning that that piece of property had Legal/Non-Conforming use. Not the building, not the outside, but that plot. Now I'm being told I can't park a flatbed trailer. Ma'am, I have five trailers. Now if I park on the driveway side, I guess I'm against the law; if I park on the agricultural side, I guess I'm following the law. That does not make a whole lot of sense to me. I'm talking a single trailer and a single Trailblazer that you could not distinguish from anybody else's normal everyday vehicle and anybody else's normal every-day flatbed trailer that they might haul a four-wheeler on, or their motorcycle on, or their Corvette on. We are just asking to be able to park a vehicle there. We are not asking to change the neighborhood. We are not asking to create all types of congestion. We are asking to be able to park on what we own. I fully intend to take this property back eventually for the same purpose as before. Eventually I am going to sell the building that I have on 41 and Virginia when I am done with the business I have there.

That is just my whole point. I am not asking to change anything that is going on. I am not asking to change the neighborhood, change the congestion in the neighborhood. In fact, if we are able to use the lot to park a trailer in, it is going to be a lot less congestion because you can pull right in. You don't have to stop traffic and back into a garage. Right now you have to stop traffic to back into a garage. Right now, you can open the gate, pull right in, and pull right out. I have already told my tenant, "You cannot store materials outside. You cannot have that trailer look like anything but a flat, bare trailer when it is outside. Period. It is not a storage yard". There is nothing more I can say about it.

Specifically, I went to Area Plan first before I bought the property. I own 85 pieces of property in this town. I bought that specifically to have that use and I do not want to lose the ability to have that use after paying twice what it is really worth, especially in this day and age. We do not know what is happening to real estate around here.

President Robinson: Are there any questions?

Councilman Lindsey: Can someone from Area Plan address what he just told me about what he was told when he bought that property. Not only was the building non-conforming but the property itself...

Janet Greenwell: I would love to address that. Before Mr. Assenza bought the building, the lot had been illegally split into two separate parcels, which did not comply with the zoning code or the subdivision ordinance. Before we would certify it again, we made them put it back as one piece because it does not qualify as a subdivision if separated. It is one lot. The legal reads very strangely now because it says the north half and the south half of this lot but it was done because it was split...

Councilman Lindsey: How did they do that? How were they able to split it?

Janet Greenwell: They just went down and recorded the deeds.

Councilman Lindsey: It is just recorded it at the Recorder's office, did not go through Area Plan like they should have...

Janet Greenwell: We caught it when they asked to bring the Legal/Non-Conforming up to standards and we refused to certify it for anyone until it was put back to the way it was originally. They did not have a legal right to split it.

Councilman Lindsey: I understand how that works. I ran into this before. Also, I'd like to ask that gentleman there a question, sir, if you do not mind. Thank you. (*Question directed to Mr. Assenza*) It is a simple question. What are you going to do with that property if it is not rezoned? What is your plan if this doesn't work out?

Joe Assenza: Well I am not going to change anything sir. I am going to keep on going with its Legal/Non-Conforming use. I am going to tell my tenant he has to park his trailer somewhere else. Nothing else is going to change.

Councilman Lindsey: Okay, all right. Thank you.

President Robinson: Mr. Shively, the neighbor back there wants to speak again.

Thomas Bond: The roads back there are too narrow. They try to back the trailers in as you see there and they block traffic. The roads are so narrow. You cannot get a car, you can't back anything up – it stops traffic. The garage is residential right now. It is not commercial. They do not use any commercial in there. There is no machine shop. The power lines are lying on the ground. It is a commercial garage. There is a big pool table in there. There are poker tables and they do nothing but gamble. My property is right next door. I look through the fence and you can see the pool tables, you can see the gambling, you can hear it. We try to sleep; we can hear the drinking, we can hear the cussing, we can hear the loud drunken stuff going on over there. I am next door to it.

President Robinson: But I think sir, even if we rezone or we do not rezone it, that is not going to address your accusations about the drinking and everything that is going on. I think that is something you probably need to address with the police department.

Thomas Bond: But it is still residential. I keep hearing, "well it is not a residential garage, it has never been residential". The grandfather clause ran out on it years and years ago. It sat empty for years. Mildew, mold, and the grandfather clause ran out on it. Ms. Hite was on the board back then and she can attest to that. She told me to tell you that. The grandfather clause is gone on it. That makes it...gets rid of the commercial on it. That is what my understanding is. It makes it residential after that and there is nothing to it now commercial. It is just residential.

President Robinson: I think Ms. Hite was on the Area Plan Commission for a number of years.

Thomas Bond: Twenty-five years

President Robinson: Before I call for the vote, is there anyone else in the audience? Did you have something else to say? (*Question addressed to Mr. Shively*)

Les Shively: I just want to respond by saying this is a new issue about the illegal split. My client had nothing to do with dividing this property up if there was an illegal split. I have several lawsuits right now with the Plan Commission challenging that determination in several cases. I do not want to get into that but my client had nothing to do with that nor is there anything in the Staff Field Report that says that. In fact, 801 Prosperity is just this lot where this building is. Let me just say this: We thought rezoning it to C-4 with the Use & Development Commitment was the path of least resistance. Now with all due respect to Janet and the Plan Commission staff, I do not see how you can have a building be a Legal/Non-Conforming and not the land it sits on. I think we could have made a legal challenge on that. We chose not to do that. We thought the best thing to do was to end this Legal/Non-Conforming status, bring it into today's code. At the end of the day you are still going to have whatever traffic generated from this site is going to be generated whether you park vehicles inside or outside. In the long run, this is bringing this property into today's development standards under today's zoning code.

It is not my client's intention to do anything negative towards this neighborhood. We have tried to think every which way with the Use & Development Commitment to show good faith in that regard. We ask you to grant the rezoning.

President Robinson: I would like to say that is the area I represent and I have not received any calls in support of it. All the calls I have received have been against it.

Is there a motion to adopt R-2012-9 and call the roll?

Councilman Lindsey moved and Councilman Friend seconded the motion to adopt Ordinance R-2012-9 and call the roll.

ROLL CALL

Ayes: Weaver

Nays: McGinn, Mosby, Friend, Lindsey, Adams, Robinson

There being one (1) Aye and six (6) Nays, Ordinance R-2012-9 is hereby declared DENIED.

CONSENT AGENDA

SECOND READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE F-2012-9

FINANCE

FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing transfers and re-appropriations of funds within a city department (DMD)

RESOLUTION C-2012-14

FINANCE

FRIEND

A Confirmatory Resolution of the Common Council of the City of Evansville declaring an economic revitalization area for property located at 1719 W. Louisiana Street, Evansville, Indiana (Formerly 1901 W. Louisiana Street)

COMMITTEE REPORTS:

FINANCE COMMITTEE:

CHAIRMAN FRIEND

Councilman Friend: Madam President, your Finance Committee met this evening to hear Ordinance F-2012-9 and Resolution C-2012-14 and both come forward with a do pass recommendation.

Councilwoman Mosby moved and Councilman Adams seconded the motion to adopt the Committee Reports and move these Resolutions to Third Reading. Voice vote. So ordered.

REGULAR AGENDA

THIRD READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE F-2012-9

FINANCE

FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing transfers and re-appropriations of funds within a city department (DMD)

Councilman Friend moved and Councilwoman Mosby seconded the motion to adopt Ordinance F-2012-9 and call the roll.

ROLL CALL

Ayes: M^cGinn, Mosby, Friend, Lindsey, Adams, Weaver, Robinson

There being seven (7) Ayes and zero (0) Nays, Ordinance F-2012-9 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES OR RESOLUTIONS

RESOLUTION C-2012-14

FINANCE

FRIEND

A Confirmatory Resolution of the Common Council of the City of Evansville declaring an economic revitalization area for property located at 1719 W. Louisiana Street, Evansville, Indiana (Formerly 1901 W. Louisiana Street)

Councilman Adams moved and Councilman Friend seconded the motion to adopt Resolution C-2012-14 and call the roll.

ROLL CALL

Ayes: M^cGinn, Mosby, Friend, Lindsey, Adams, Weaver, Robinson

There being seven (7) Ayes and zero (0) Nays, Resolution C-2012-14 is hereby declared adopted.

MISCELLANEOUS BUSINESS

There will not be a City Council Meeting next Monday, July 16, 2012. The next City Council meeting will be Monday, July 23, 2012 at 5:30 p.m. Committee meetings will begin at 5:00 p.m. on July 23rd.

Now we will hear from Shance Sizemore with the Tax Phase-in Compliance Report

Shance Sizemore: For the record, my name is Shance Sizemore again. Before you, you should have the CF1s as well as letters from companies who fell below the compliance for the application for next year's tax phase-in. You can see, I also have a spreadsheet here that will...can I give you a quick color-coded run-down of their compliance numbers both in investment and job creation?

At this time, I think it is important over all to note that it was actually reported better than estimated in investment as well as employee count. Some of that being buoyed by Berry Plastics as well as things like Mead Johnson and Bristol-Meyers Squibb splitting.

At this time, I think the proper thing to do would be to ask, if there is any representation to the company, I will file a letter to them about bringing representation for you at the next Council Meeting. If there are any questions, I do not speak for the companies but I have interaction with all the companies.

Councilman Friend: One thing...I did talk today with counsel at Mead Johnson. I think there was confusion back when this went down. You had Bristol-Meyers and Mead was a subsidiary of Bristol.

Shance Sizemore: Correct.

Councilman Friend: I think they had some confusion with the way they were doing head counts, what occurred. That is what I found out today. Now I don't know what we can do in the future to make sure we don't have that.

Shance Sizemore: Correct, and that is talked about in our letter. They went from one end to the (*Inaudible*) when they split into Mead Johnson and Bristol-Meyer Squib. They no longer count the Bristol-Meyers Squib employees at that location. They are still there but they are just no longer part of Mead Johnson.

Regarding how we can prevent that in the future, I don't know but it's something I would be happy to look into, but with the company splitting it is not necessarily a good way to say...we want them to continue to grow and split and become different entities.

Councilman Friend: So what you are saying is that even if they are two separate companies, they may still have the same amount of employment except they may be counted differently.

Shance Sizemore: Correct.

Councilman Lindsey: On this Springleaf...I am looking at these numbers on here. You say they are 94% compliant with the tax phase-in? On their employment level? I mean how can that be with all the lay-offs they have had and the departments they've eliminated and I'm just wondering where these numbers come from.

Shance Sizemore: I do know, as far as those, I do know those only account for the project they did which would be their main office downtown.

Councilman Lindsey: Oh, okay. So this doesn't count for Virginia St. being closed and then they moved...

Shance Sizemore: Yeah, this is a single project. And I don't know how they have reorganized and the management I did talk to the state level as that one as well...in trying to figure out exactly...

Councilman Lindsey: I can see how that would work out but I mean, because I know they closed down the Virginia...

Shance Sizemore: Correct

Councilman Lindsey:...and a lot of people have been laid off and actually, not laid off. There is no job for them. I just wonder how they were actually able to do that so now I know. Thank you.

President Robinson: Councilman Adams

Councilman Adams: *(Inaudible – microphone not on)*

Shance Sizemore: According to, when I've talked to Kerry, they had issues with the issuance of Form 11s. Basically, their tax portion of it. So, according to their letter, it says Kerry estimated a little over \$1,000,000 in real property investment *(Inaudible)*. It said we spent \$805,149 in 2004. It says we spent an additional \$141,000 on further improving the plant *(Inaudible)* in 2008. It goes on to say that while the actual real property investments listed on page two, they cannot be reported in CFRP without a Form 11 as issued by the Assessor. Only the \$27,100 issued was issued a Form 11. This was confirmed in a phone call that other improvements were not considered for additional taxation, per county code and not issued a Form 11.

Councilman Adams: *(Inaudible – Microphone not on)*

Shance Sizemore: Actually, they spent more, they went forward with the project. They just weren't issued the tax form for that project. So my assumption is I don't know, from my understanding their reading is they invested what they said they were going to invest, or close to what they said they were going to invest, but they didn't get assessed for that for that form.

Councilman ???: *(Inaudible – Microphone not on)*

Shance Sizemore: Oh, I have no doubt. I am still trying to rework the process and figure out how to expedite it and make it as easy as possible for everybody involved.

Councilman Weaver: Did you actually talk to Kerry about these improvements? Or did you just go by the assessor's office?

Shance Sizemore: I did talk to Kerry.

Counsel Hamilton: There are letters in all the materials for the ones that are not in compliance. The letter indicates they spent the money, but they didn't get credit because it wasn't certified as a specific form by the assessor, a Form 11 or something.

Shance Sizemore: Form 11s are issued when the assessment changes, basically, when it goes up. That's your assessment notice. I mean they could have done it maybe, but the assessor didn't raise the value. So there is a lot more digging that needs to be done.

Councilman McGinn: I just have a question too. One that is not in compliance, I could not find a letter from Memorial Townhouse.

Shance Sizemore: Memorial Townhouse actually is going to be a separate issue. I'll have to bring them before you again. I am currently working on what exactly is going on. They have actually made

investments, but the resolution that was put through doesn't have all the property or some of the properties are wrong on the resolution, so we are kind of working with them to try to figure that out.

Councilman McGinn: Okay, good. That verified that there wasn't anything in here.

Shance Sizemore: I believe I attached their spending sheet, but they didn't have a letter.

Councilman McGinn: Okay, we'll look forward to that.

Shance Sizemore: Is there anybody you would like to see me bring back before you?

President Robinson: Thank you. You're off to a good start and we appreciate that.

Shance Sizemore: No problem. Thank you.

President Robinson: Councilmembers, I sent out an email, I think the end of last week, because I received correspondence from the Chief of Staff that the Mayor would like to have a monthly update done on the Evansville Redevelopment Commission by Mr. Phil Hooper. And I asked you if you wanted to have it done in person, written form....and most people said they would like written report but then they would also like for him to come before council once a month. So tonight is his first time. I'm going to deviate from the schedule and ask Phil Hooper, Director of Department of Metropolitan Development. He will do this on a monthly basis and keep us informed of what's going on from his perspective for the Evansville Redevelopment Commission in addition to our own liaison, Stan Wheeler and Jay Carter.

Philip Hooper: Members of Council, President Robinson, I appreciate the opportunity to come before you tonight. As Councilwoman Robinson indicated, the mayor asked me to be here to provide a monthly overview of the projects that the Evansville Redevelopment Commission and the Department of Metropolitan Development are progressing. I also want to thank Stan for being here tonight, ERC member Stan Wheeler, and we want to make sure that you understand the projects that we are working on, and at a high level of summary, you have the written report and I will go over that. I look forward to coming back on a monthly basis and akin to a lot of the conversations I've had over these first six months, the DMD is absolutely intends to better communicate what it is we do in the community and this is part of that process and we are excited and happy to provide this update.

The first project you see on the update is the downtown hotel. The current status of that...backing up a little bit to June 19 when the final Hunden report was delivered and the request for qualifications was released. We are now waiting for the development teams to assemble and this coming Tuesday, July 17, we have a pre-submittal conference where development teams will be able to come here if they like or conference call in to ask questions. For development teams that want to come and walk the site, see Main Street, see downtown and see the amenities, that opportunity is here for them. We will follow up with all teams on the same website resource where the RFQ is posted with any clarifications that might come out of that pre-submittal conference.

Some up-coming dates that are a part of what has been approved to date, we have the pre-submittal conference on the 17th and then on August 6, so they will still have a couple of weeks to respond to that conference, on August 6 the responses to the Request for Qualifications will be due. We will have time to review those and interview development teams by August 21. We will take the interviews that have been conducted and the information from the qualified teams and issue a Request for Proposal to the

qualified responders. On October 1 the responses to the RFP will be due, allowing ample time for development teams to consider the analysis that is on the table and ample time for development teams to consider the analysis that is on the table and the amenities downtown, etc. On November 6, we intend to have the selection of the developer by that point and move forward in a real way.

Any questions?

Councilman Friend: How many RFQs do you think we are going to be sending out? How many do you anticipate?

Philip Hooper: We have it posted on line and I'm not aware of the number of folks who have downloaded from the Hunden website dozens of times.

President Robinson: The thing I read in the paper said about 50 hits already.

Councilman Adams: I'm curious sir, in the future reports if you could tell us how much money has been spent on each one of these projects over time, where the money came from and was this reviewed by any elected official?

Philip Hooper: Absolutely. Every contract entered into by the ERC is approved by the members of the ERC that are appointed by elected officials. Where state statute has financing structures like bond issuance, for example, approved by council, then those tools would be reviewed by council as state law prescribes. I absolutely can provide that detail. As you know, this is the first time that we have done...

Councilman Adams: No, I understand.

Philip Hooper:...and if you want that kind of detail we will look at that. I wrote that down. Thank you.

Councilman Adams: Again, I'd like to know how much money is being spent on each project, where the money came from and which elected official approved the spending of the money.

President Robinson: Councilman McGinn

Councilman McGinn: Yes, if I may ask a question to Phil. First of all, thank you for coming. We do appreciate you being here. And again, since this is the first time, you have no idea what we are going to be asking. Let me give you a road map. Several of us have spoken but I know that we would like to see some sort of a chart or a graph that shows the funds that are available to the Department of Metropolitan Development. I know that, as part of downtown redevelopment, I recognize it is a major project. But you have funds available from a downtown TIF, Certified Technology apart from the regular budget, and also the CDBG monies for which we will get a very, very detailed report on that in the budget hearings. You probably don't have to give us much detail on that; we are going to be going over the CDBG money. But if you could tell us what, and again I know there is also some costs, some sharing of funds with GAGE, is there not or a joint effort to expend some funds that are available not only to DMD but also to GAGE?

Philip Hooper: Yeah. A number of years ago Economic Development staff that formerly was with the Department of Metropolitan Development is now with GAGE so certainly GAGE and DMD partner together for economic development.

Councilman McGinn: Okay. I think a lot of us ought to be really happy. This is a great plan because in the past, we found out what happened after the fact. If we can get some ideas here of what these funds are, how they are available, where they come from, the amounts that are in there. I know I will be very, very happy with a month's notice. Maybe you can give us a pretty good idea of what is going on or we can get a good idea of what is going on and what things are going to be costing before it happens.

Philip Hooper: Sure.

Councilman McGinn: All right. Thanks

President Robinson: And I think, Councilman McGinn, correct me if I'm wrong, this is in addition to your ERC reports because I guess...

Councilman McGinn: Yes, these minutes too, absolutely.

President Robinson:...because the Department of Metropolitan Development, when I attend different meetings it is always a pot of money somewhere that they say they have. Money that I don't know anything about. So what I think he is saying is, "where is this money coming from, what are the strings attached to it and who has the control over this money?"

Philip Hooper: Sure. I look forward to showing the budget in an increasingly transparent way. I look forward to saying we have never been more transparent than we are now so that is not a problem.

Councilman Friend: Phil, may I ask one thing? I brought this up a while back. With the technologies we have today, why don't we "You Tube" those meetings? It won't cost us anything. You can post that up the day you have and I just have to go in there to Google up youtube@erc and I can watch it on my computer.

Philip Hooper: I am going to have to talk with Computer Services about that.

Councilman Friend: Yeah, and I mean, it won't cost us any money at all.

President Robinson: Can you do...they have their meetings on down the hall. Do we have to move them?

Councilman Friend: This little deal right here with You Tube...*(Inaudible)*...I have, sure...

Philip Hooper: I'll move onto the next project if that is okay. The Old Post Office current status...back in January, one of the first things that I was involved with is declaring an emergency situation at the Old Post Office through the ERC. The Department of Metropolitan Development engaged a VPS architect to evaluate water infiltration that was damaging the building in a real credible way. It was beginning to threaten existing leases there. VPS also *(Inaudible)* specs and proposed to oversee repairs with a contractor. The ERC authorized moving forward. We received quotes. ERC authorized DMD to award the emergency repairs contract to Architectural Renovators and currently that project is 95% complete. We are currently evaluating the financial viability of further repairs to make the facility accessible and more marketable to, hopefully, a key tenant.

President Robinson: What is the occupancy of this building?

Phil Hooper: I want to say it is about half. It is essential that the first floor and the basement and there are two floors above that and the second and third floors are essentially not occupied right now.

The Bi-Centennial Park: The current status, as we have seen recently in the news, a couple of times in May we conducted charretts for public input on design and what amenities were desired. Similar to the Old Post Office, we are currently evaluating financial obligations and projected funding sources applicable to the project. This will relate, of course, to the request made regarding the source and usage of available funds.

Before we move forward with these projects, we have made a commitment to the Bi-Centennial Park publically in a lot of ways from before that was prior to us being here and we certainly want to move that forward. We also do not want to see the city overextend itself and so...

President Robinson: Where is the funding coming for this? I mean, I just heard about it at the end of December at a...

Philip Hooper: The potential funding source on that, again, that is why visual would be so helpful (*Inaudible*) the downtown TIF. Annually we review the downtown TIF for the increment inflow and the debt service obligations that are funded from that. We are currently right in the middle of that and I hope by the next meeting, we will have a lot more clear information on that and our comfort level on moving forward.

President Robinson: Councilwoman Mosby

Councilwoman Mosby: Who is going to maintain the Bi-Centennial Park?

Philip Hooper: The idea at this time is that if Parks is considering that, I certainly have some ideas for how that may work in a unique way. This is an ongoing evaluation and negotiation.

Councilwoman Mosby: Because as Councilwoman Robinson said, we never knew about it. All of a sudden, there was this press release and things going on and City Council had never been approached on any of that.

Philip Hooper: Well, that goes back to last year...

President Robinson: And you know with the drawing, you say that beautiful drawing, I mean, you have to kind of figure how much this was going to cost, whoever did the drawing. And is there a need for this park? Everybody is talking about the problem we have maintaining the parks now.

Councilman Weaver: We are going to have Roberts Park.

Philip Hooper: The uniform input, pretty consistent input from the input sessions, I don't believe we got a single negative comment about the park and the understanding is, and again, this was put forward previously and we agreed to continue to move this forward, by the previous administration, to have a downtown park in a traditional urban blockway, which we really do not have. We have some park space along the riverfront a bit but to have a key park downtown the quality of life for downtown residents, for downtown tenants, folks eating lunch, coming downtown to visit. Support for that park certainly was

confirmed through the public meetings and we will be back before you with more information and we can talk about it more.

President Robinson: Any other questions? I think we are all concerned about the park.

Okay, Old Greyhound Station.

Philip Hooper: Current status. Since the development agreement was signed with Indiana Landmarks in late 2011 to restore the building, the DMD has contacted, through authorization of the ERC, Crane Environmental Services to conduct environment assessments inside the building to identify potential environmental hazards. We have moved forward from that to contract with Crane for environment bid specs for the building. You can see asbestos and lead based paint inside the building. The DMD has released request for bid and we have two bids. We are currently discussing next steps with Indiana Landmarks. How we move forward with the previous commitments made to them last year really depends on what they want to do inside the building. We can look to save potentially 10, 20, \$30,000 if we key to what they want to do in the right way so right now we are moving forward based how they want to (*Inaudible*).

President Robinson: Some of the Council members were not here last year. Can you tell us the previous commitments that were made Indiana Landmarks?

Philip Hooper: Yes, yes the Department of Metropolitan Development entered into a development agreement made with Indiana Landmarks to transfer 99% of the building, maintain a 1% ownership and provide a \$250,000 incentive to rehabilitate that nationally significant example of 1930s art modern architectural style. With the commitment from Indiana Landmarks to fund-raise the rest, at least a million dollars and to expand their presence in Southwestern Indiana if we can do that. Currently, Indiana Landmarks has a staff of one in Southwestern Indiana. Just for reference, Indiana Landmarks, and we are not drinking Indiana Kool-Aid when we say this, is the largest statewide preservation organization in the country, and that is not a per capita comparison. Indiana Landmarks raises more money than California, Texas, and New York. The only preservation organization more successful than Indiana Landmarks, so we should be proud of this, is the National Trust for Historic Preservation. They are a huge resource in community development and neighborhood stabilization in the cities where they have a larger presence so I welcome their expansion here to join the fight for neighborhoods and community development in the city.

Councilman McGinn: A question on that though. Do you know if the theory that the ultimate goal with Indiana Landmarks and the Greyhound Station is to take over everything? Once it is good enough condition for them to take it over, then they are responsible for maintenance, upkeep, rent, utilities, everything.

Philip Hooper: Then we would transfer the remaining 1%. That is correct.

You can see the downtown streetscape improvements that were done mostly last year and the first part of this year. We have substantially completed that project, working through last punch-list items and really waiting for final billing for releasing a retainage. We have received many compliments about this project as well. The result is improvement in some concrete improvements in sidewalks and trees downtown.

The last project you will see on the summary is the McCurdy. The current status is as the City and the ERC provided a per unit development incentive from the loft incentive program and a parking lot license agreement. It is worth repeating that the city does not own the building. We are at a state right now where we hope that the Kunkle and partners are able to reach an agreement with the bank to move the project forward.

(Inaudible question)

The city owns a portion of the surface parking, not all of it. My understanding is not in front of the building but between the Shriner's facility and the strip.

(Inaudible question)

No, we do. It was, and I think this goes back to 2010, packaged as an incentive to develop the building.

(Inaudible question)

It is in a long process with the bank now and as I said, we hope they can move forward. It is in a complicated state where we do not own the building so we really do not know a lot until we see the deed is in their hands and we have not seen that. As I said, we certainly hope they move forward with the project. It is a very important project for downtown.

(Inaudible question)

That is yet to be seen. We are certainly taking steps to make that possible.

Councilman Friend: Is there any truth, and I heard that, I believe Kunkle has been moving with the bank to actually buy the note. That is what I have heard. Which means that Kunkle could foreclose on the building, own it, and deed it out at that point in time. Is there any truth in that?

Philip Hooper: My understanding is that is a possibility. I have not received formal notification of that but it is my understanding that is certainly a possibility.

Councilman Friend: Well if that is the case then we have a second \$800,000 we put into that deal. If they foreclose, we are out. The lawyers in the group would have to agree with me on that. I've been at that party before.

Philip Hooper: I certainly can give you more detail on that *(Inaudible)*.

Councilman Friend: I appreciate that. Oh and by the way too, let me ask you one other thing. What is the status on Klenck's bill on the tearing down of the Executive Inn? Because you know, they were still owed money on that teardown and then naturally we had the deal with the garage. Do you know what the status of that is?

Philip Hooper: I will provide status for that as well.

Councilman Adams: So if I understand correctly, every month you are going to show up hopefully with this same list and others that come along until I guess the history of how much money has been spent, where the funds came from and what elected official approved it.

Philip Hooper: For the approval structure, yes.

Councilman Adams: Not who appointed the person. What elected official approved the monies being spent.

Philip Hooper: That is not always the case.

Councilman Adams: I cannot hear you.

Philip Hooper: That is not always the case unless you take it back to the department budget level, which is approved by Council. When I work as a department director or Todd Robertson works as a department within the budget that is approved by Council, he as a director has certain abilities to use his budget. There are some tools, as I said, the bond issuance has to come before the Council. State law allows for certain redevelopment things to happen at a commission level and certainly some things happen at a city department level. There may not always be a Council member or an elected official directly approving but I can certainly back it up and show you the context of that approval if it goes back to the department level, if it goes back to commission and the department budget, etc. *(Inaudible)*.

Councilman McGinn: Philip, just maybe to make it a little bit easier, like on the Old Post Office when you hired VPS Architecture to evaluate the water filtration, that came out of the operating budget out of what, contractual services or something that was approved by this council in a lump sum?

Philip Hooper: If you would like that level of detail on all the projects, I can do that.

Councilman McGinn: I think that when we approved the operating budget that has X amount of dollars water and utilities, X amount for rent, X amount for salaries, I mean, you certainly have discretion within those line items and within that lump sum that we approved. It is these other things, other than what shows up on the budget I think that we are interested in. The TIF money and Certified Technology part. I mean, seriously, we do not want to have approval, we do not even want to look to see whether you have got the right line checked to pay the water bill or something the city owes. We do not want that detail. Is that a fair statement? I mean you have that discretion as a department head and a qualified professional and we see, you know, we know that we approve X amount of dollars in August for contractual services and you are free, subject to the board, to basically spend that for contractual services to run your department. We are okay with that. At least I am. It is this big stuff. I want to know who is paying for the park who paid for, you know, the McCurdy for that stuff. Thanks.

Councilman Weaver: Hey Philip, you are doing a good job so keep it up. What is the future plan of the Old Greyhound Station? Is there going to be something in there, like a diner?

Philip Hooper: My understanding from my last conversation with Marsh Davis, CEO of Indiana Landmarks, (maybe his title is Executive Director – I apologize if I got that incorrect Marsh, wherever you are) is that they are embarking on a fund-raising strategy with Randall Shepard and Bob Jones as co-chairs of a fund-raising initiative. They are currently in a capital campaign mode to raise that million dollars. They are using a strategy of health tapping with a synergy with the Welborn Baptist Foundations recent work in the community and Evansville. So right now, I think that is still the strategy. Something that promotes the community and promotes community health or physical health. They are kind of going on a kind of holistic health model for their fund-raising.

Councilman Weaver: Is this a statutory deadline for the downtown hotel? Who came up with these dates?

Philip Hooper: That was worked out through the market analysis in the development strategy with the Hunden report.

Councilman Weaver: It is just, in my opinion, it seems to be taking way too long to get a hotel down there.

Philip Hooper: The benefit to this the hotel development industry, nationally, has time to respond. If you do an RFP and only leave it out for two weeks, you are really limiting the number of development teams that can assemble to do that. Therefore, we do not want to limit the success of this hotel. We want this to be done in the best, smartest way possible and that does take time. We certainly want to do it right this time and not see it fall apart a third time.

Councilman McGinn: Just an added bit of information...Councilman Weaver asked you about the Indiana Landmarks. I am on the City of Evansville Endowment fund, which had \$185,000 this year. My recollection is we awarded them some money to help get this Greyhound going. They have started their fund-raising efforts already. These guys are out of the blocks.

Philip Hooper: Yes they are. They are in capital campaign mode. That is right.

President Robinson: *(Inaudible – microphone not on)*

Stan Wheeler: Stan Wheeler. I am your appointee to the ERC.

Phil, I would like you to explain to them about the Old Post Office. Correct me if I am wrong, but the way I understand it, the federal government has given that to the City of Evansville, that we maintain it. The work that was done in the early 80s when they went back and remodeled the Old Post Office, took the loading dock out, put an entrance in and they did repair work on the gutter system. The gutter system is the old hidden gutters with copper and lead inserts in them and after 100 years they leak. They went in and I said this bad word, Band-Aid. They put a Band-Aid on it and a rubber roof. Rubber roofing lasts about 20 years; this was done in the early 80s. Twenty years from 1980 is 2000 so for the last 10 or 12 years building has been leaking. The city is responsible to maintain the building. The first lease that we had, it was in their lease that they maintain the building. They defaulted on it. The city tried to sue them. You cannot get blood out of a turnip so they let it go. However, the city is still responsible to maintain the building. They did another Band-Aid fix on it. You know, they did fix the flat roofs on it but they Band-Aided the gutters again and the City of Evansville is responsible for maintaining this building. On the inside, plaster is still falling off the walls. We have a huge amount of money that we are going to have to put into the Old Post Office to bring it back up to code. What was the estimate on that? Was that two billion or something to bring it up to where it needed to be? *(Background response: "Just over a million")* Over a million? I will go with that. That is monies that the City of Evansville is going to have to use to maintain this to make the federal government happy for giving us this building. Am I close to being right here Phil? I mean that is something that you do not hear about. I did not hear about it until I was appointed to the ERC Commission.

Councilman Adams: I am serious. Can we give it back to the feds?

Councilman Weaver: We could sell it to the Indiana Landmarks.

Stan Wheeler: I do not know. I am just saying if, you know, and what has been done in the past before I was appointed to ERC, I do not know what happened. That is water under the bridge but in the future, the City of Evansville, if they still have the Old Post Office, they are going to be out a bunch of money to bring it back up to code and make it useful.

President Robinson: *(Inaudible – Microphone not on)*

Philip Hooper: I believe it was \$190,000 for various improvements to stop the bleeding on that building that was really in an emergency state.

President Robinson: *(Inaudible – Microphone not on)*

Philip Hooper: Currently, and it is largely expended at this point but the current emergency repairs were done with proceeds from lease payments at the facility. If you would like, we may not have this level of detail on all the projects but I could propose that next meeting, we go into all the history of this building. I hope that by next meeting we have some real recommendations for ways to move forward. Regarding...

President Robinson: *(Inaudible – Microphone not on)*

Philip Hooper: If we can be in a wash, everyone is happy on this. That building, as Councilman Adams if it could be given back to the federal government, I would not recommend that, the building is notable potentially as a national landmark. We certainly may be exploring that as it may open other lines of investment opportunity. Frankly, I would say if it met its demise by neglect, I think it would be like the L&N Depot. I think you would have folks that would not consider themselves preservationists being really upset at the loss of that building. The craftsmanship and the architecture in the building is a notable asset for the City of Evansville. We have committed to the federal government, and continue to work with the General Service Administration in negotiations with a potential tenant that would drastically help make that building a bankable building that is carrying its own weight.

I am more than happy to go into more detail on this project at the next update.

Councilman Friend: Stanley, I have one question to ask you. What is your lead-time between the time you have your ERC meetings and you get the data information prior to the meeting?

Stan Wheeler: Less than 24 hours.

Councilman Friend: I'm just wondered Phil. I mean, I have sat on these committees before, and you know, a lot of time you have to have at least three days or so on that.

Philip Hooper: From time to time, if something is an urgent matter it will be a day before. Most recently with a very routine TIF analysis that needed to be done, I have already asked Lana to bump up a day I believe. The benchmark they tried for previously was Thursday or Friday before the Tuesday meeting. I want it on Wednesday or Thursday to give another day. We are certainly working to make those improvements as well. There still may be something, from time to time, that we need to kind of walk onto the agenda. If we do, it needs to be important enough to do it and we need to apologize while we are doing.

Councilwoman Mosby: One last thing I want to add. It is my understanding that when that Hunden Report came out, and how many hundreds of pages was that, three of the members received that on a Thursday or Friday and our City Council appointments did not receive it until that morning. So, information needs to be given to everyone at the same time and not just pick and choose who gets it.

Stan Wheeler: I agree with Phil on the Old Post Office. It is a beautiful building but I want you guys to know that there is a big bill coming with it and I would hate to lose it for Evansville as well. Phil is new at this job, just as I am on the ERC, and from what I have seen him do he is working at it. So, don't beat him to death, he is a good guy.

Councilman Adams: I do not think we are beating him to death I just do not think we have to absorb and 80-page report in three days and since you are meeting twice a month, I do not get the emergency portion of why somebody would have to pick up and assimilate 80 pages in three days. I have trouble doing that.

Philip Hooper: If you want to see that level of detail in this report of when documents are emailed I would certainly be happy to provide that.

Councilman Adams: That is not what I am addressing here and you know it.

Philip Hooper: No, honestly I thought...

Councilman Adams: What I am addressing here is I do not think you have emergencies. I think you have an 80-page thing that would probably take two weeks for me to absorb and I think you ought to have that consideration. We are meeting twice a month. I do not get the two days, one day, you know, here we are, boom.

Philip Hooper: Yeah, my apologies. I certainly was not referencing the report that went walking (*Inaudible*). However, if we have a mowing contractor that has not been paid in six weeks because of bureaucratic red tape and I can walk on an approval and get them paid, I am going to walk on. I need to apologize to Stan and the ERC commissioners for having something walked on. Certainly, the Hunden analysis is a large document to take in and those types of documents obviously need a longer reading time.

Councilman Adams: I do not accept that at all. If you have got...it is not unusual for the city payment to go eight weeks. It will not make any difference if it is six weeks or eight weeks but it might make a difference in terms of evaluating the question if the people on the committee actually have time to absorb what you are throwing at them.

Philip Hooper: Yeah, I..

Councilman Adams: I mean, six weeks for a city or a county is nothing from what I hear from contractors. I mean, they would love to be paid in two but they don't often. So if you have a red line big deal at six weeks I do not see why you cannot wait two more weeks so people have time to read what you are throwing at them. Bingo.

Philip Hooper: Yeah, those are two separate issues talking about an invoice. The smaller things are the kind of things that may come on, and most recently was less than 24 hours, was a formality kind of thing. I absolutely agree that a large document needs a lot of read time and (*Inaudible*)

Councilwoman Mosby: I do not want you to feel like we are beating up on you. We have just had a lot of frustrations in the past from the ERC, you are doing a great job, and we appreciate that. Thank you for coming in front of us and talking with us...

Philip Hooper: I look forward to doing it again.

Councilwoman Mosby:... and I appreciate what you are doing.

President Robinson: He is not looking forward to it.

(Laughter)

(Inaudible)

Philip Hooper: The is just in line, as I said before, with the improvements in communication I wanted to make when I took the leadership role in the Department of Metropolitan Development and this is part of that. I want DMD to better communicate...I want more people in Elberfeld, IN, outside Vanderburgh County, understanding what DMD is doing. It is important to the region.

President Robinson: Elberfeld?

Philip Hooper: My point is this has a regional impact. I enjoy this challenge of getting more information to you and to the community and the region in a salient and meaningful way. I really do mean that, just for the record.

President Robinson: I have one other question. I look at all the projects that you are working on, you have so much going, and the Redevelopment Commission is a volunteer board. Do you have someone in your office that works on these different projects? Do you have a planner or...

Philip Hooper: We have a Community Development planner, Skyler York, and we have a Senior Project Manager, Lana Abel, formerly known as the Redevelopment Specialist.

President Robinson: So Skyler works with the ERC also.

Philip Hooper: It is primarily Lana but other project management staff in the department may work on some of these projects from time to time but currently, it is 90% or more Lana Abel, Senior Project Manager for the Department of Metropolitan Development.

President Robinson: I always thought the Department of Metropolitan Development should be divided into two departments. You have Community Block Development and then you have Economic Development and for one person, one department to be responsible for that, I do not think it is fair to the citizens or to that department because it is just so much responsibility. Economic Development is different than spending the Community Block Development grant money.

Councilman Friend: This question might be for Russ. With the accounting side of the DMD, that is sometimes a challenge over there because of the transactions that go on. I thought, did we not give them some help over there for accounting? We talked about this. Help me out here, I am just...

Russ Lloyd: No, we give them help every day.

Councilman Friend: You do? I thought we put in some...don't you have an accountant over there?

Russ Lloyd: The budget this year, of course we put a number of the Metropolitan Development people in the General Fund as opposed to where they were funded by federal money.

Councilman Friend: Right. We talked about that.

Russ Lloyd: There are a lot more clear lines of authority there.

Councilman Friend: Thanks, I appreciate that.

Philip Hooper: Any other questions?

President Robinson: Did you have a question for him? Okay, you can come to the podium.

Bruce Griffin: Bruce Griffin, 4100 Court St. I want to revisit the Bi-Centennial Park thing because I have just never had a good feeling about that; where it is located, you know. I think we should use that park that is right next to the old Old National building and maybe make that the Bi-Centennial Park. That is just my two cents on that because I think that piece of property there could be better suited for retail complex, like a mall situated between the Boat and the Arena because we have no retail options downtown. So briefly, that is what I think. I think Bi-Centennial Park, while it is a good concept, should be a smaller version in a different location, right next to the old Old National Bank.

President Robinson: Thank you. Thank you for coming Phil. We look forward to seeing you next month.

Councilman McGinn: Thanks Phil.

President Robinson: Okay, Don Mosby.

Don Mosby: I am Don Mosby, 1730 Greencastle. I've been here a long time. You got the paper I sent, made sure you all had and it is not about sidewalks, it's about safety. You got the thing in front of you. I've been here four or five years ago, talking about this and I asked questions just like *(inaudible)* asked. I wanted to know how much money they spent in every ward five years ago. Now they got *(inaudible)* sidewalks. We don't want no sidewalks out there. We want the street fixed where we can walk up and down without getting ran off in the ditch and I've got one of the people here from Green River Road, some more of them are coming. They got so upset; we've been four or five years trying to get this stuff done. And the money, I asked last time. *(Inaudible)* spend in all six wards and they said they would let me know something. I've never heard nothing about how much money...

President Robinson: Mr. Mosby, Councilwoman Mosby is working that issue...

Don Mosby: But I don't worry about that. I'm supposed to have something six years ago about this thing.

President Robinson: That is in the past. We are in the present now. We are working on it.

Don Mosby: Okay, I'm in the present here now and I want some answers from some of these people.

President Robinson: She has submitted that. Pat Keepes has asked...

Don Mosby: No I missed (*inaudible*), that doesn't have anything to do with wa...I've got a man here...

President Robinson: She is not the ward leader, she is the Councilwoman.

Don Mosby: I know who she is but I'm just telling you. You all promise this every time you turn around, it goes somewhere else. The money goes somewhere else and that's what I want to know. Now I got a fellow here from Fickas (*inaudible*) and he'll be talking about it, coming up. What's going on? They know I've been here. Give me some answers.

President Robinson: That has been submitted.

Don Mosby: Just give me some answers.

President Robinson: That has been submitted to Pat Keepes. All we can do is submit the addresses and then it is up to the administration.

Don Mosby: What if it's up to you people? You (are) the City Council voting on some of this money, where it goes and where it doesn't go to.

President Robinson: We have submitted those. Sir, please give your name.

Russell McLeod: My name is Russell McLeod and I live at 4401 Fickas Road. I've lived there since 1958. This road is the same size it was in 1958, it has not been widened. That is my question: why can't you widen the road? That's all I ask. There are people out there. We have over 50 some odd families living in Habitat. They all have children. They run up and down Fickas Road. They are going to get hurt because the road is not wide enough. We don't want no sidewalks. All I'm asking is so the vehicles can pass each other without smacking their outside mirrors, especially trucks. The busses on the road now. That is another thing running up and down Fickas Road every day.

President Robinson: Okay sir, my suggestion is...I hate to put you on the spot Mr. Schaefer, but can you ask Mr. Keepes to get into contact with them?

Russell McLeod: We have talked to him 15 years ago Ma'am about the same situation. He does not do anything.

Councilman Adams: Councilwoman Mosby, would it be helpful perhaps for us to develop a Resolution from the City Council?

Councilwoman Mosby: That was in the CIP last year.

Councilman Adams: I'm sorry?

Councilwoman Mosby: We actually had this project in the CIP in the budget last year and they've been looking into it to see how much it is going to cost.

Councilman Adams: I wonder if we, as a group could, not just on an individual basis because you have tried it, I have tried it, other people have tried it...I wonder if we had a, and this is just a suggestion, perhaps coming back at the next meeting and having a resolution to perhaps stimulate how to address this issue...

Councilwoman Mosby: He has addressed it. He has spoken to both of them and spoken to me as well.

Councilman Adams: So you don't think that would help you.

Councilwoman Mosby: Honestly, if we do that we are going to open ourselves up to anything and every project that people are going to want us to do resolutions for, so...

Councilman Adams: But this particular project is...ever since I've been...

Councilwoman Mosby: There are a lot of other projects in the second ward that have been going on just long as well so we would be opening ourselves up for a nightmare.

Councilman Adams: (*inaudible*)

Councilwoman Mosby: it is, we do have that in the CIP, and we are working on that. It is just sometimes people are just overly zealous.

Russell McLeod: I've got one complaint. I don't think all of you know but my wife almost got hit on that road two or three years ago. She broke her hip. She is not able to walk by herself yet. She has to walk with a walker in the house, she has never recovered. Because the road is too narrow. She was walking for her health because she almost had diabetes.

President Robinson: Does anyone have any suggestions? We brought this to the attention of the last administration, it was brought to the attention of the administration before that. I mean I don't know what to do.

Don Mosby: I'm trying to think if there is an ordinance...the city isn't supposed to have ditches in the city limits. (*Inaudible*) and there are ordinances, all streets should have walks. We aint even got easements to walk on. We aint asking for sidewalks. We want a place to walk. They got kids on Habitat, those 50 houses, ride up and down on bicycles. You all know I've been here to talk to you about this. There's some new ones here. But what we are saying is there an ordinance in this city that says it's supposed to be no ditches in the city limits. They took us in and now we aint getting nothing and it's been this long like he told you. He's lived there all his life. I used to live there all my life and been fighting this thing all the time. If you've got an ordinance and you've got money for every ward, if they put some of this money in every ward it would be a little different. We aint asking for sidewalks. It won't hurt a bit to fill them ditches up. I had a man pay for his tile putting in a ditch. They told him to do it and then sent his money back said they don't do that. When I was living out there, I didn't have, I put tile, paid the county when we were in the county (*inaudible*) and I paid for tile. We had people on Fickas Road send the people the check, said they'd do it if they got the check and Mr. Keepes, you talk to him and they all decide that wouldn't cost the city no money to put tile in that man's ditch. That's the way they operate. We've been here, and I'm getting too old for this stuff but I don't like to see these kids, 50 new houses out there, riding them bikes up and down Fickas Road, aint got nowhere to go but in the ditch just like his wife did.

So tell me this aint a safety thing? You get a safety clause for everything else, how come we can't some help on this safety thing. They talk about crumbling sidewalks all the way down. We don't have nothing to walk on. (If) they are going to do something with those crumbling sidewalks and stuff, I wouldn't have to go talk, I haven't thought about sidewalks, we don't worry about them. I want a place for them people to walk. I don't care if it's just dirt in them ditches. Hey, they are the ones dug the ditches that has caused this on Fickas Road, (*inaudible*) they came out there and dug the ditch wrong to start with; it all caved in. Where are we supposed to walk now? They said on the easement. There aint no easement on there. We go on people's land, that might be the easement we can walk on but we still have to get across that ditch.

So that's what I am saying. If there is a city ordinance that there aint supposed to be ditches in the city why don't they do it. Just like they are talking about (*inaudible*). He is right, they've got to take care of that thing there. These people out here are getting hurt. There is one person got killed on that road. There is a lot of stuff. We have to call every week but try to get a call (*inaudible*) to get out of the ditches. And these people say no, it's been going on a long time.

I aint up here just to be talking. I want some action too like everybody else does; but we have been here before. And I just wanted to do...and I send letters to all the administrations and new people. New people are helping me. They told me about some signs. I talked to them. They're at the Safety Board and they talked to me and told me they are all on the Safety Board, get them signs up. But I don't want you (*inaudible*) saying, telling me this and that. I been here enough. I might have to do it myself.

And that's what...you people...now you all know I've been here before. Lindsey is new, Weaver is new but he knows what I'm talking about too. I've been here since, that's what I'm here for.

President Robinson: Well thank you. Okay, I have quite a few people left to talk tonight. Randy Jones?

Randy Jones: 915 Oak Hill Road. As you know, we have had a very dry season and I know that fireworks are not what you all have been through tonight. I know fireworks are not that big of a deal to some of you but it is to me.

You know, we have had this drought; the mayor called for a ban. I agree with that, it is very dry. I understand that but there are some people out there that have spent thousands, and I mean thousands of dollars. I do not own a fireworks store, let's put it that way. I do help with a fireworks store so I am not in it for my profit. What I am asking this council, for one time in a years' time, if we have a drought on the 29th was the first day when people in Evansville, IN could actually shoot fireworks until the ninth of July. Excuse me, June 29th to July 9th we were legally allowed by an ordinance to shoot fireworks in the City of Evansville, IN.

After that, after the ban, a lot of people feel that we are not allowed to shoot fireworks anymore. We are actually allowed to shoot fountains, sparklers, stuff that does not go up in the air, so that is kind of a misconception with the state and the city ordinance, at least the way I understand it. What I am asking the City Council is to give us those ten days. Let some of the people that are going to lose their business in the city, through no fault of their own, and like I said, we don't have any problem with the ordinance. Yes, it was dry. We have no problem with that. But give us those ten days so we can shoot fireworks after the ban, after we get some rain, on a one-time basis so at least some money can be recouped.

What many people don't know, there is a 5% surcharge on every fireworks that is sold. Approximately 7% for sales tax and 5% for a safety tax that goes to help train firemen and for their equipment. That is the way I understand it, that extra 5%. So there are going to be many people losing not only that part of the money but the sales tax. I know it is a lot to ask but I am asking it just the same.

Councilman Adams: Aren't we allowed to shoot fireworks off and New Years' too?

Randy Jones: We are allowed at Labor Day, we are allowed New Years', I asked the Council and they gave me Veteran's Day for my fellow veterans, which I appreciate, but it is going to be too late for some people. I mean, you realize the Fourth of July is 99% of the business.

Councilman Adams: I do not think we are going to have any rain until September 15 sir so what I am trying to figure out is maybe we can expand around Labor Day or, I'm sorry, around Veteran's Day...

Randy Jones: Labor Day, Veteran's Day, that...

Councilman Adams: Well not Labor Day because I think we are going to be just as dry at Labor Day. Maybe we could expand, I'm just throwing an idea out here, for Veteran's Day and for New Years' because that is when it is wet here.

Randy Jones: Well, I mean, after the ban is over with, after the ban is lifted, after the mayor decides, OK, the ban is not on fire, then you are still allowed to shoot fountains and sparklers and all that. You are just not allowed to shoot anything that goes up in the air. And again, I'm sure the attorney...I am not speaking as an attorney, but that is the way I understand the state law. There was an exemption when it was passed, the fountains and sparklers and novelties and that were not considered so fireworks can be shot. Just not the stuff that goes up in the air.

I'm not asking while it is dry just when the dry season is over. Labor Day would be the next time, or Veteran's Day or New Years'.

It is a simple request. You can deny it or not. Just a side note, now you know how I feel when I ask the City Controller or anybody, how much did Roberts Stadium make or how much Roberts Stadium did not make in a year. How much is the park, this new Roberts Park going to cost to build? How much is it going to take to maintain? Well, you fill out the paperwork and we will get back with you. You do not hear anything. So now you all know how I feel when I ask these questions and I never get an answer. Thank you.

President Robinson: Thank you. I have several people speaking on the same issue so I am going to start first with Paul Bitz.

Councilman Adams: Do you want to consider the fireworks enlargement?

President Robinson: Okay, I'm sorry. It has been a long day for me. Now what (*inaudible*)?

Councilman Adams: Increase the fireworks later in the year...

President Robinson: Well, I think someone has to sponsor that if they want to do that.

Paul Bitz: Madam President, may I (*inaudible*)

President Robinson: I am sorry Mr. Bitz, can you hold on just one minute? Dr. Adams, I apologize, Dr. Adams brought up extending the fireworks.

Counsel Hamilton: You do that by ordinance. I did not know this was an issue tonight; I do not have the state statute with me or *(inaudible)*. I need to review that but my recollection is the state says you can prohibit it except you cannot prohibit it on certain days *(inaudible)*. You can allow it on more days than you have in the ordinance. Again, you could run into the same situation as far as trying to predict...

Councilman McGinn: Yeah, I think that puts us into a position of trying to predict the weather. I mean. I mean, you know, we have holidays, three or four holidays, where they are set. If they cannot blow them off that day, that is the risk you take in buying fireworks. I mean, what if it is pouring down rain for nine days during the Fourth of July weekend. Are we going to extend it because it was too wet to blow up fireworks?

Councilman Adams: I don't mind sponsoring something and let people chew it up whether they want it or not. I'm just trying to respond to the guy who said they are losing their shirts, their money because of the thing. I do not mind doing it. I don't know if it will be successful. I mean if it is wet, you still have a bang. At least with my cherry bombs they do. All right, let me work with it.

President Robinson: Okay. Dr. Adams will get in contact with you. He is interested in maybe being a sponsor of that.

Mr. Bitz.

Paul Bitz: I live at 4530 Mystic Creek. I just want to say that I've heard things out of the Council that I never thought would hear.

Madam President, I've always marveled at your political ability but damn if you are not making me look back at your administrative ability as well. I think you are doing an outstanding job.

President Robinson: Thank you.

Paul Bitz: I gave you a copy of the Ft. Wayne that tells you the duties of a council member. Sometimes I sit and hear people that flew off to China, load up the ammunition, make sure it is in a dry vessel so that it does not get wet and stops on the way to Thailand and gets the rope. And then when they get here, you think they were going to light it but they never light it. And I don't need to call any names out, I think they know what name I'm talking about.

Anyway, if you will notice in that, you are in charge of all the property of the City, so the City Council, Corporate Council, needs to know, if they want to do away with the stadium, it doesn't belong to the Parks Department. It belongs to the Council of the taxpayers of Evansville and that they need to make a request to the Common Council that they follow through on whatever the administration is requesting. That is the proper legal way to do and you don't have to be a lawyer or a rocket scientist to understand that if you will read what your duties are there. It's time some of you forget what your duties are really about being a councilperson, but I can say this, the president has got it off on the right road. And don't

get carried away with the fact that just because a Secret Service agency up on the third floor, the Redevelopment Commission, has now thrown you little crumbs that you are going to be satisfied. There is nothing wrong with that ordinance that Carmel, IN passed.

New tape... (inaudible) their job and I did a little research for you since nobody does a lot of research. Do you that, and Madam President, once again you are right, Ft. Wayne, which has about 55,000 more population than us, have two people that do economic development. The rest of them do (take care of) the community and what you were talking about. Ft. Wayne, South Bend and Lafayette combined have less people in their Redevelopment Commission than we do. I just gave you a few figures to go on.

But anyway, I think you are headed the right direction, just don't let up. And when you get a contract on that Bond Issue, you've got the mayor where he has five appointments on it; there should be a three and two. There is the gambling money. Nobody seems to know where that goes and your poor Chairman of the Finance Committee, they got \$747,000.00, that is close to a million to us poor people, and it say's Contractual Services. They don't tell you one damn word what the contractual services were but you can bet there were four or five lawyers in there. Contractual Services is where they hide all their cents. That's all I have to say and I appreciate you letting me take the time to talk.

President Robinson: Thank you. I find it interesting in paragraph four where they have their legislative affairs administrator who does their research.

Paul Bitz: I would like to see you get a research assistant, put them in the Clerk's Office at a desk, and let them do your research for you...find out what the other councils are doing.

President Robinson: When I've checked around, I know they have this in Louisville, the council has. In other cities they do. All of us, we have two retirees, but the rest of us all have full time jobs.

(Inaudible)

Councilman Friend: If I may say, I had a conversation with Russ. You and I have talked about this upcoming budget. Requested funding to come to the City Council going forward in 2013, allows funding for the same thing. You and I talked about this earlier, so when we go forward in a week or two I'd like to talk about this...

President Robinson: Now is that for that vetting...

Councilman Friend: No, no this would be...

President Robinson:...or a whole new position?

Councilman Friend:...at the moment the City Council has, well, the \$20,000 we have in there now. But at that point in time, we had zero money in Contractual Services that would allow us to go out and have a person to review things before they come to us. It would help.

Councilman McGinn: I mean, I think we would be more effective in our positions. You know, just like we are running into problems with the Budget Hearings because we all work. And we also want it to be televised so that the public can hear it. So we are trying to determine what time. The best time is 5:00 but if we had somebody, an administrative assistant or whatever title you want, that would help us a lot. They could help compile the information.

Paul Bitz: That is the best step you can take Madam President, to do that. And in Ft. Wayne, they also have "Meet Your Council Members" and the administrator has a TV program where he interviews different council members from the different wards and they talk to the public and that. So there is a lot...

President Robinson: Television makes you look bigger. Unless I lose about 20 pounds, I try to stay away from the television.

Councilman Lindsey.

Councilman Lindsey: Connie, if I could please. You know, that's odd, because I've said from the time I have been elected in January, why don't we have someone to watch our back. I mean the mayor has the entire city looking for his. I mean, everybody office holder, everybody appointed to a job in this city, his job is to protect the mayor and make sure the things that they do, you know, and the citizens also, but I mean their main focus is the guy that hired them. And I've said that since I've been elected but evidently, I didn't speak up loud enough or something. Anyway, I mean, I don't get it. I mean, you know we are the ones that are responsible at the end for the monies. Who watches after us? I mean, you know, I work two or three jobs, you work, everybody works, I mean I have to stop everything I do to run around and try to find out what is going on and I think we need at least, you know, someone to watch after us.

President Robinson: Okay, I think John is on the right tract with talking to the Controller, trying to maybe have a position, find funding for a position for someone to do some of our research. I know we depend a lot on John Hamilton but that is for legal matters but just for every day, you know. Who takes our calls, constituency calls that want to know about the sidewalks? The problems that Mr. Mosby is having.

Councilman Lindsey: I've got another comment too. If Mr. Mosby can tell me how you get anything done fast in this city, I'd be more than willing to be a part of that because it is like a turtle with sore feet. I've never...it is like pulling teeth. I really would like to know how we could expedite things. I know this is government so I know it's not going to go quick, you know I'm getting kind of frustrated with constantly talking to people and (*inaudible*) moved around. You know I mean, as a City Councilman, I think that my voice should have some kind of weight somewhere and I'm just not seeing that and I want to see it...

President Robinson: Be patient. I think this administration has opened its doors and then on Monday, we have that time with the mayor. In my 16 years in council, no mayor has ever had an open door policy on Monday where we can go in there and talk to him and let him know our concerns. It takes a while. I know you have a lot of things on your plate that you want to get done and at times it is easy to get frustrated but I think that they will work with you. Just be patient.

Councilman Lindsey: I just want to know what the answer is, because I haven't found it, you know. I'm not patient. I mean, why is my voice, I mean, you know we have all worked to get to where we are at. We have all worked hard...

President Robinson: So you think people are not listening to you, or...

Councilman Lindsey: Well, you know, it's frustrating to me...

President Robinson: If you feel as though some department head has not paid any attention or returned your calls, pick up the phone and call these...

Councilman Lindsey: It is not calls; I can get that done. They will call you right back. They will email you right back. I want action. Just like Don says. I mean, what is it going to take? Why can't we get anything done? Why is that such an insurmountable mountain to get a road fixed that is dangerous? I mean this hasn't just happened. Why is this...why can't we, as council members, what direction can we go to make these things happen?

President Robinson: I don't think we can because we are the legislative body. Help me some attorney. I don't think we can...

Councilman Lindsey: But we control the purse strings though, don't we?

Councilwoman Mosby: And a lot of it boils down to money. We've got to find the money in the funds to do a lot of these projects. I mean, it is very expensive; the Fickas Road project is very expensive. It is not just a matter of filling in a ditch because then it floods the rest of the people.

President Robinson: Okay, I think we have to prioritize and that's the reason I asked if the DMD has a planner. Because, I mean, some of these things, even with DMD, you might think stuff is important that I might not think is all that important. I might think a Bi-Centennial Park is important and you might not think it is important. So we need to prioritize the different needs.

Don Mosby: I just want to say one more thing. I have got to give this administration credit because I have talked about some signs and I went to the Safety Board and they said they were approved. But the signs are going to help, but the ditch is more impo...I mean sidewalk...we aint asking to come out there and put sidewalks. They the ones that dug these ditches to start with, they caved it. We had a lot of *(inaudible)* there but the ditches is all caved in. The city is the ones that did the digging on the ditches and we aint asking for nothing we don't or should get. They really aint supposed to be no ditches in the city limits. We just want a place to walk.

You've got a picture on there that shows that guy in that thing. You can't even walk. You've got two blind people there trying to walk from Jeanette to Burdette. Burdette you can't even walk, the kids going to school. It's wet. We aint asking for the sidewalks. We want the street widened where we got some place to walk.

President Robinson: Okay, thank you. We need to speed this up a little.

Charlene Braker.

Charlene Braker: Yes, Charlene Braker, 1700 E. Blackford. Councilman Lindsey, we see a difference with this council, we do. We appreciate the transparency. It's really kind of neat to know that as citizens we can sit out there and actually hear questions and answers. Maybe they are not always what we want to hear but we get an answer. This is great, really.

But I'm really not here for that reason. I'm here to represent Jeff Day. He is at a tax conference in Atlanta so he asked me if I would ask...the last council meeting I think, he brought up the fact that the Human Relations budget for 2013 is coming up and how to get any information on where the money is

going in that budget. Tonight seemed so appropriate for me to bring this up too. It was suggested by the council that he approach Executive Director Diane...

President Robinson: Diane Clemons. I suggested that.

Charlene Braker:...which he did. He went to the meeting in June, that Wednesday meeting and she made it clear that he could not get any information at that time. It had to come from the mayor's office. I think he did talk to the mayor's office but of course that information on how the appropriation of monies, how that is done, is not going to be made available until it comes from the mayor's office. So in other words, the actual planning...I think his question is, the amount of money that is put into the budget by the agency is arrived at a time when the public is not allowed to attend the hearings, that is what he is understanding. How do we have some input into how the money is appropriated? I realize some of it is federal, some of it is county and some of it is city but how do we, as citizens, have any input into the appropriation of monies from the Human Relations Commission?

President Robinson: Go ahead, Finance Chairman.

Councilman Friend: What is coming up, this is going to be a joint county and city hearing which I think comes up towards the later part of, no first week, I think the 7th of August. The 7th of August, I believe when it is. And in there, I believe every one of the department heads come before, and I'll be chairing that, they will come before us. We will get this information, usually a week beforehand, so as council members we can absorb it, ask questions of the department heads before they come forth. So I would urge the public to be at that meeting, be at those hearings when they propose their budget. It is usually open to the public for comment, is my understanding.

Charlene Braker: I apologize. We were under the impression that that was the final, that the budget was already in...okay, thank you.

Councilman Friend: What they do, they come before us but we vote on it later, so then there is enough time to get public input on certain things that happen during those meetings.

Charlene Braker: Okay, okay, thank you.

Councilman Friend: You are welcome.

President Robinson: Now, keep in mind too, John, correct me if I am wrong, but it will be in the city/county but the Human Relations budget will also be heard under the city budget too because the majority of the money for Human Relations comes from the city, the larger percentage.

Councilman Friend: That is correct.

Councilman Adams: Yes, I am kind of confused as to what Mr. Day wants. More money for a certain program or...

President Robinson: I think he wants to phase out the Human Relations, is that right?

(Inaudible)

(Laughter)

President Robinson: Just to put it bluntly, I'm thinking that is what it is.

Charlene Braker: He is just concerned as to where the money goes; what it is used for. I think he is mainly concerned about what the money is used for but I do think you are right. I think his ultimate objective is to phase it out. But talking about finances, I am wondering, this park, Bi-Centennial Park. Could we not use that money for the Old Post Office renovation?

(Inaudible)

Councilman McGinn: They are looking for money.

Charlene Braker: Everybody's looking. Okay, thank you.

President Robinson: Berniece? Berniece? Madam Clerk, I think we need to have a meeting more than twice a month or either bring a sack lunch.

Berniece Tirmenstein: My name is Berniece Tirmenstein, 1636 E. Blackford Ave.

(A hand-written document, read from and copies provided by Mrs. Tirmenstein)

I am speaking on an issue that troubles me, that of preserving the James Bethel Gresham Memorial Home located at 2 Wedeking Avenue, Evansville, Indiana. It overlooks Garvin Park. Corporal James Bethel Gresham was the first American soldier killed in World War I, 1917. He did as a true patriot in the muddy, rat infested trenches in France. He was from Evansville.

In memory of James Bethel Gresham and in gratitude for his patriotic service, the citizens of Evansville started a collection for the Hero Home Fund to build a home for his mother, Alice Bethel Gresham. Within two weeks, the fund had grown to \$1,500. Construction began and the family moved in August, 1918. They lived there until the death of his mother in 1927.

After his death, the home was occupied by the Service Star Legion, originally, the War Mothers where it was maintained as a memorial to James Bethel Gresham and as a War Museum until 1948. Since 1948 the home has been owned by the Evansville, Indiana City Parks and Recreation Department and maintenance was done by this department.

July 3, 2012, a group of volunteers went to the home to clean in preparation for tours of the home July the 4th. Upon entering, they were shocked by the sights they saw, all due to long-time neglect. I ask the question, do we always have to rely on government action to own, maintain parks and building? Could a foundation be established to take over this home of national historical significance?

If you would like some elaboration on what these people found that day on July 3, I think we could elaborate on that.

Any comments, any questions?

Councilman Weaver: What was the address Berniece?

Berniece Tirmenstein: The address is 2 Wedeking Ave. It is the northern part of Garvin Park, it overlooks the park.

(Inaudible)

Councilman Weaver: I don't find a 2 Wedeking on the assessor website.

Berniece Tirmenstein: Is that right? I got this information from research that I got from the library, so to elaborate on it...

Councilman Weaver: Who owns it right now?

Berniece Tirmenstein: The City Parks and Recreation Department and I think they are not doing a very good job.

Councilman Weaver: Thank you.

President Robinson: Steve, did you want to address that? *(To Steve Schaefer, Chief of Staff for the mayor's office)* Berniece, Steve Schaefer wants to address that.

Steve Schaefer: Thanks. Very timely. The Parks Department actually had an emergency P.O. to take care of the repairs and so forth. From our investigation, you are right (in that) it has been neglected. I think it has even been closed for a number of years. When the recent damage occurred, we actually, the Parks Department actually took, I forget who it was with, do you remember? But that is being addressed.

Berniece Tirmenstein: In other words, they are putting on a new roof.

Steve Schaefer: I need to get all the details for you but it was substantial. It was an emergency P.O. to take care of it.

President Robinson: How much is that...

Berniece Tirmenstein: *(Inaudible)*...and Denise Johnson was there. *(Inaudible)*...luckily, one of the volunteers was a curator and she was able to save many of those pictures that had plaster all over them.

Steve Schaefer: There was a lot of damage.

Berniece Tirmenstein: There was...

Steve Schaefer: And we appreciate it.

Berniece Tirmenstein:...but, you know we had the...James Bethel Gresham was born in Beech Grove, Kentucky, 20 miles south of Henderson. They have a bridge named in his honor and they have a marker for his birthplace at Beech Grove, Kentucky and in France, they had a monument built after his death. It was destroyed during World War II and they rebuilt it again. Indianapolis has a marker. What do we have? A dilapidated home in his memory.

Steve Schaefer: We are hoping to fix that.

President Robinson: Berniece, thank you for bringing this to our attention. Maybe they will find money for that like they are going to find for the Bi-Centennial Park and the McCurdy and the Greyhound Station.

Berniece Tirmenstein: What would you think about establishing a foundation to take over? Is that a possibility?

Councilman McGinn: Yes, cities do that all the time. If some organization wants to handle it, the organization is founded, they do fund raising and then there is a contract between the city relinquishing control and maintenance to the foundation. It happens all the time. In fact, we have several things going here like Carver and Newsome, not Newsome. It's a long night. But that is possible. If in fact the foundation is up and running (*Inaudible*) on the Parks Board administration, we would definitely do that.

President Robinson: That would be something for the Parks Foundation.

Councilman Friend: May I say, the Coliseum is being ran today and managed by the veterans?

Councilman McGinn: The veterans are doing that.

Councilman Friend: The veterans are doing that. I mean that would be our Commissioner Melcher. He would be a good contact because he's behind the vets big time and I think he would, I'd say a lot of enthusiasm.

Berniece Tirmenstein: At one time, I know a veteran was so interested in preserving the home that he was trying to get the veterans here to take over. But I say that if the citizens of Evansville in 1917 could develop a fund, within two weeks, to build the home, surely we can do something. And that \$1,500 was hard to come by in those days, a lot of money. But I appreciate your listening to me and I value all the suggestions.

President Robinson: Maybe that is something the Parks Foundation...that sounds like a good idea. Or the citizens because it seems like the Parks Department is having a problem taking care of it and it is a piece of history so we need to look into that.

Berniece Tirmenstein: I think they are having a problem maintaining a lot of the parks. And here we are having Roberts Park, a new park.

President Robinson: That's why we have to get behind the Bi-Centennial Park. You've got to wait in line now.

Berniece Tirmenstein: Denise Johnson was here earlier and she came that morning too when I had called (*Inaudible*) to witness it. Thank you very much.

President Robinson: Thank you Berniece. I have D. Kempa. Are you speaking on the smoking ban also?

D. Kempa: No.

President Robinson: Okay. I'll let you do to that before I get to all the individuals with the smoking ban.

D. Kempa: *(Inaudible – Not speaking from the podium)*

President Robinson: You need to come to the podium. Wait Denise. Can you put your microphone because...

(Inaudible)

Councilman Adams: It is a silver/copper ionizer with is not very expensive. It reduced the need for chlorine by 75%. It coats the entire lining of everything and still kills the bacteria so there is a small win-win for the Parks Department.

President Robinson: He was talking about the swimming pools. He has talking to Denise because I am sure she has called every one of you and I had asked for some figures about the pool usage. That is maybe something we need to think about at budget time. For some of the pools, the average attendance is only 23 people. So do you keep a pool open when you only have 23 people use it in a day?

Councilman Adams: *(Inaudible – Microphone not on)*

President Robinson: Okay, are you ready? *(Directed at D. Kempa)*

D. Kempa: Everything has beauty but not everyone will see it. Just something to think about.

Anyway, what do you do with a hat that somebody gives you? I mean it is beautiful but I couldn't give it away and it is for free if anybody would like a hat.

President Robinson: Is it a snap-back?

D. Kempa: It's one of these. I was going to wear tonight and then I thought...

President Robinson: It needs to be a snap-back.

D. Kempa: A what?

President Robinson: A snap-back.

D. Kempa: A snap-bag?

President Robinson: Yeah, that is the latest style hat.

D. Kempa: No, you guys need a bigger home. This room is just, you know, this room is so tiny. I'm, just you know, I am sitting there thinking...

Councilwoman Mosby: We cannot afford it.

(Laughter)

(Inaudible)

D. Kempa: Have a bake sale?

Councilman Weaver: What do you want to talk about?

D. Kempa: Okay. All the time we sit and wait, I just, you know, we need some vendors and stuff so we can eat here. Okay, I am not going to say even half of the stuff I was going to say because I am tired. No, none of these. These are from other meetings.

President Robinson: Okay, you know what? Some of the people over here are diabetic and they are going to need to eat so we need to speed this up. I apologize but you are more than welcome to come back again.

D. Kempa: Okay, I want to start up what is called a BFU, a Boot Camp For Us. As of the last City Council meeting, two weeks ago, three women were murdered and I don't know how many more now since then.

President Robinson: In Evansville?

D. Kempa: Oh yes! Oh, my goodness. Anyway, I even have a letter from Sheriff Williams wishing me good luck with this and I have several groups behind me like Isaac Walton League of America. They already have some programs where they just finished theirs for young people, kids, to help them protect themselves before something happens to them. And basically, that is what I want to do.

SAVE OUR WOMEN is part of it.

President Robinson: I'll tell you who you need to speak with concerning that. Not to cut you off, but that gentleman back there, Phil Hooper? It seems like that could be a worthwhile project. We sometimes have federal funding available. Community Block Development Grant or something like that.

Phil, why don't you step out her with and explain that to her about the grant application.

D. Kempa: Okay.

President Robinson: Is that okay with you? *(Question directed at D. Kempa)*

D. Kempa: Yeah, I guess so.

President Robinson: Yeah because he would have the funds available.

D. Kempa: Oh about that arena promoters? They were talking last week when the lady came up here and said, "where are the real acts?" I want some soul, I want something that I want to go see. I don't want to go and say, "what the heck was that?"

President Robinson: I am leaving that alone. I've been dogged enough...

D. Kempa: Well no, I am just saying that I think it would be nice if we had that. No I used to be in the industry. I was a singer and it would be great to have acts here that nobody is going to say what, who? Anyhow, thank you for listening.

President Robinson: Thank you, it is always a pl...

D. Kempa: If anybody wants a hat, it is free!

President Robinson: Thank you for coming. It is always a pleasure. Phil? Thank you.

Next we have three individuals talking about the smoking ban and I'm going to have John Hamilton make a comment first.

Counsel Hamilton: My only comment is you can listen to all this but it is in pending litigation so I would recommend that Council members not engage in discussion or comments about the case. It is pending litigation.

President Robinson: Okay Steve. We have just been advised that we cannot comment so...

Steve Alsop: I know, I understand. That is fine. Basically I'm just kind of reporting on, and I know that a lot of it was in the paper today and your welcome for me not bringing 30 + bar owners in here like we were talking about, especially given the time. We will be brief.

Just to kind of fill you all in on what is going...oh I am Steve Alsop. I live at 817 Varner. I own the Peep Hole Bar at 201 Main Street and I am president of the Vanderburgh County Tavern Owners Association.

Basically we wanted to wait a while. We are three months into the smoking ban now and if you have the read the paper, and I sure that you all did, you can see where we are as far as what it is doing to our businesses. We are looking at 25 to I think 47% was the worst report we have had so far. People are going to other counties. Newburgh bars are booming, doing much better than what they may have said to the newspaper. Henderson is doing well. All of the bordering counties are. Just want to let you know, now the state law has gone into effect. We want to emphasis too, we were not clear on this in any of our communications in the past, we are looking for exemptions to comply with the state law now. Twenty-one and over is all that our association is asking for. We also want to communicate to the City Council that we have had issues with other agencies in trying to be in compliance with the law. We invited Area Plan Commission, Building Commissioner, Health Department and State Excise to a meeting on May 5 and they all were kind enough to come. Our goal was to try to adapt, to see what we had to do as far as outside areas. We got consensus from everyone. Area Plan told us that as long as we did temporary fencing and did not serve customers outside we would not be required to go through the per-mitting process, have any additional parking or anything of that sort. Subsequently, several of our businesses did exactly that in compliance with what we were told and Area Plan went back on that. They have now required...Rick from 718 is here, he is one of our first ones that got sideways with them. They basically came back and he ended up having to take seating out from the inside because he invested so much in his outside area.

Just wanted to kind of communicate, complain a little bit. I know Dr. Adams is on the Area Plan Commission Board, correct? We just want to communicate that we were told one thing at the meeting and then another. We have talked to the mayor about it. Other places have had it too. Some of them had to take down. I mean just the whole general attitude is...

Rick put eight-foot picnic tables for his outside seating, six-foot, excuse me, six-foot tables. These are strangers, a lot of them, going outside and sitting at these places. They came back requiring eight

parking spots for each table so basically, an 18" space for each person, which is not logical. People do not want to sit that close to each other. It is not a family reunion, it is a picnic table. These are not people that want to sit that close and they were just adamant on that. Just a general feeling of no cooperation from them.

But the big thing is reneging on what they originally told us. I just want to reiterate, with the state law in effect, we can survive under that and we think it is logical and prudent. It protects children who need protecting. It allows adult at 21 and over establishments to make an adult decision that they do not need government to make for them. We would ask that you look at that and consider that.

It is a lawsuit, we understand you cannot talk about it. We are desperate. When you are looking at 47% loss in revenue, you are not going to make it very long. There haven't been very many closed yet but there are several on the brink of it. We cannot survive it.

We would like to discuss this if you are open to discussing it at some point. There again, we will give you an opportunity to talk that over with Mr. Hamilton. It is our view, this is not a health issue, although it started out as a health ordinance. Once you say that you are exempting certain entities, we also do not understand why a retail tobacco store has to have an exemption. I mean I buy my groceries at Wesselmans but I don't taste them before I buy them, they don't allow you to do that. Automotive repair shops, we don't understand that and of course, the Aztar exemption.

When you say it is for the benefit of employees and then you exempt places that have employees, that loses all credibility and we can't understand that.

Did I miss anything? Rick, for you?

I just want to let you know we know we can't have discussions about it because your attorney advised otherwise but we are going to continue to come here and we are going to continue to fight it. We have to, as I said, you may have heard the quote in the paper, our existence depends upon it.

President Robinson: Can we say thank you or anything?

Steve Alsop: You will get pickle juice on your French fries because you made us wait until last.

President Robinson: Do you have a brother named Danny?

Steve Alsop: Yes.

Rick Kennedy: One concern for you guys, you should go out and look at these bars and what is happening. Now all our people that we had inside, away from everybody, is now outside on the curbs. Cigarette butts are going out into the street. They don't care where they put them. Butt cans everywhere and they (*the cigarette butts*) are all on the floor, all on the ground. Sundays, I am open on Sundays, a lot of us are. Them are our regulars on Sundays. Every one of them are outside. I bartended the other night. There were 30 people at my bar. I was inside, by myself, and 30 people were outside smoking. All of the people that were in here before, away from everybody. These new people that you guys keep telling us are coming in? They are not coming in. These are corner bars, they aint coming in. They might go to these big places but they aint coming to these little bars. Well, you did come in a couple of weeks ago and his comment was, "you couldn't get another person in that place", and that night it was true but it is not every night.

Your lunches, in these little bars the smokers come to them so they can smoke and eat. I mean that is just part of it, and eat their breakfast like at Rosie's down there. That place was packed because they could smoke and eat, right down on Maryland Street, every morning. But you don't have that anymore because the smoking is not there.

But that is part of it you know. We are trying to do what you guys want but when they are 21 and over, they should make their own decisions. That is all I have to say. Thank you.

President Robinson: Wait, did Deanna Herbert?

Deanna Herbert: My name is Deanna Herbert and we currently own two businesses. One is the 711 Tavern and the other is Evansville Amusement which is a coin op amusement. We have pool tables, jukeboxes, video games and stuff in several other bars. We are the ones at 47% of lost business. My husband's other business is nothing because no one is sitting in these bars playing jukeboxes or pool tables or any of that because they are all sitting outside.

My father started this business 50 years ago with nothing. We have never made a lot of money; we have gotten by. I employ a few people. We are like a small family. I have had to let one go. It has been detrimental to our whole living, not only my employees, but us. I mean there is no money. We are barely surviving and we are going to watch it die, especially on the coin op because there is nothing there because everybody is sitting out on the curb smoking. At 47% percent you can only survive for so long.

I ask you all to come into these places. Before you even made this decision, I cannot believe you did not...Mr. Adams came in my place asking for campaign funds. We asked you then what your objective once you took that seat was going to be. You never mentioned the smoking ban or putting me out of business. But we did contribute. You were with Dave Cosby.

Councilman Adams: I'll give you your money back then.

Deanna Herbert: I don't want my money back. I want business to go. I want my business to survive and I don't have any of these non-smokers. I have my regular people that have been coming in all these years and I have not seen any non-smokers. I am trying to survive on what little bit we do have right now but all my customers are 21 and over.

I just feel like you should have come in and at least looked at my business or talked to us about our business or just come in. Come in now, there is nobody. I work every Friday night and it is half, if that. Hopefully half. I make half of what I used to make.

That is all I have to say. Thank you.

President Robinson: Thank you. Councilwoman Mosby.

Councilwoman Mosby: I just want to ask the Council members, please, go in, talk to the bar owners and just see how badly this is impacting them. My neighborhood bar down the street, he is having to let people go, he is at risk of...they are at risk of losing their businesses. We were so worried and concerned about another business and look at all the...we have had five bars close since, and it is very appropriate, this took effect on April Fool's Day. I just think it was foolish.

President Robinson: Anyone from the audience, any comments? Sure.

State your name please.

Gloria Altman: My name is Gloria Altman and I have run Gloria's Corral Club for 52 years. I just closed it. Most of my business was nighttime entertainment and when the smoking ban hit, that was it. I am not going to lie to you. I was considering closing it down anyway because my son passed a couple of months ago but then when the smoking ban hit and all of my customers had to go outside to smoke, that was the end of me because you cannot have entertainment outside. You cannot take the band outside and you cannot take your DJ outside and those people are not going to go outside and smoke when everything is going on inside. It killed me, it absolutely killed me so I closed my doors and I had eleven people working for me.

President Robinson: How many years had you been in business?

Gloria Altman: Fifty-two years. I think I have in business, the same ownership in the same place, longer than anyone in the State of Indiana. At least that is what they told me at the state. I had to let those eleven people go. They all have families, they all had kids to support. Me, I have been there long enough it is not kill me but I sure hated to let those people go. We had a crying session and a hugging session but you can only go so far. You have to be able to pay the bills. I just could not do it anymore so I had to put my place up for auction and I think I am not going to be the only one. Thank you.

President Robinson: Thank you. Is there anyone else? Okay

(Inaudible)

Randy Jones: There is no doubt; you all probably know how I feel about the smoking ban and the exemptions. I was at the VA Clinic today getting a procedure and the only one that I really have a problem with is the exemption that you gave. I agree with that exemption. But I am also a veteran. On that board there was a thing that said the price of a hot dog, the price of a car and the price of a freedom. It showed hot dog, a house and a graveyard. You did not exempt the veterans. I have an awful hard time with that and that is my only comment because yeah, what price did we pay? Thank you.

President Robinson: Thank you.

Counsel Hamilton: I have one other matter under miscellaneous business and that is a claim for litigation services. I think you all have a copy of it. That requires Council consideration and approval in the amount of \$4,300 and it is for smoking litigation.

President Robinson: Do I have a motion to accept the claim from John Hamilton for \$4,300? The motion was made by Councilman Weaver and seconded by Councilman Lindsey. Voice vote. So ordered.

Controller, he doesn't want to wait eight weeks.

Russ Lloyd: We will put that one on walk through.

(Laughter)

President Robinson: Committee reports. ASD Committee. Chairwoman Mosby

COMMITTEE REPORTS:

A.S.D. COMMITTEE:

Re: Ordinance G-2012-13
Date: July 23, 2012
Time: 5:00 p.m.
Notify: John Hamilton

CHAIRMAN MISSY MOSBY

Amending Chapter 2.50 and
adding Section 2.50.041
(Redevelopment Commission)

PUBLIC WORKS COMMITTEE:

Re: Ordinance G-2012-12
Date: July 23, 2012
Time: 5:10 p.m.
Notify: Ted Ziemer

CHAIRMAN DAN McGINN

Amending 13.20 of the Municipal Code
(Wastewater Discharge Regulations)

Re: Ordinance G-2012-7
Date: July 23, 2012
Time: 5:20 p.m.
Notify: Maria Worthington

Petition to vacate a public way or
public place, part of SE 5th Street
in Donation Enlargement.

FINANCE COMMITTEE:

Re: Resolution C-2012-15
Date: July 23, 2012
Time: 5:05 p.m.
Notify: George Fithian/Carol McMichael

CHAIRMAN JOHN FRIEND

Ratifying the Firefighters Contract
for March 1, 2012 – December 31, 2012.

Re: City/County Joint Budget Hearings

Date: August 7, 2012 (Tuesday)
Time: 3:30 - ?
Room 301

**Re: Community Development Block Grant Agency Presentations to City Council
Emergency Shelter Grant
HOME**

Date: August 8, 2012. (Wednesday)
Time: 4:00 p.m. to 6:00 p.m.
Notify: Donna Bailey (DMD)

Re: City Budget Hearings

Date: August 14th, 15th, 16th, 2012 (Tuesday, Wednesday, Thursday)
Time: 2:30 p.m.
Room 301

President Robinson: Mr. Hooper, when will we receive our packages?

Philip Hooper: *(Inaudible)*

President Robinson: We would like to receive them before August 8th so we can look over the packages and the recommendations, so not the same day as the meeting like the Redevelopment Commission.

Councilman Friend: Madam President, normally in the past we have usually required at least a week, which would be five working days.

President Robinson: So we can expect...have the packages been compiled yet?

Philip Hooper: *(Inaudible)*

President Robinson: The eleventh of July?

Philip Hooper: *(Inaudible)*

President Robinson: In the past, since you are new, we usually get the schedule presented to us of when it is going to the mayor and when it is coming to us, along with the packages.

Philip Hooper: Okay.

President Robinson: And then we are back at City Budget Hearings. Chairman Friend, it is August 14th, 15th and 16th but I think we have a problem with the time. City Controller, we cannot change the date of the 20th. Dr. Adams is not available and we would like him present; we would like all Council members to be present. You want to change the time, don't you?

Councilman Friend: Yes because people work and they have some scheduling commitments and we thought it might be well to wait later in the day, give people a chance to maybe show up at the hearings. We thought about going at 4:00. Now that may present some problems, hopefully not, for your department heads.

President Robinson: John if you look at this, we could have it on a Monday instead of a Tuesday then maybe skip a day because the room is not available on a Tuesday. It is available on that Monday.

Councilman Friend: Do we have council?

(Inaudible)

Well we could adjourn then maybe...

Russ Lloyd: Or you can go 15, 16 and 20. You can do it the following Monday

President Robinson: Do what?

(Inaudible)

You cannot change zoning.

Russ Lloyd: Well 15, 16...or you are not available on the 20th, is that what you said?

(Inaudible)

President Robinson: So could we...he is available...you are not available on the 20th, are you? No, he is not available that week. He has moved his vacation once.

Russ Lloyd: Okay, the problem with Tuesday is the Commissioners meet at 5:00.

President Robinson: Can we start on a Wednesday? Do a Wednesday and Thursday?

(Inaudible)

No Wednesday, Thursday and a Monday? Go into the following week. Can't we do a Wednesday, Thursday and a Monday?

Russ Lloyd: He is not available on Monday.

President Robinson: Wednesday, Thursday and Friday. Okay.

Councilman Friend: How about Saturday?

Russ Lloyd: To be continued. We will work something out.

President Robinson: Well I think, Dr. Adams, if you can make two days out of three, are you okay with that?

Russ Lloyd: We can try to run them longer.

Councilman Adams: *(Inaudible)*

President Robinson: Well, I mean, can anybody...he suggested Saturday. Can anybody do a Saturday?

(Inaudible)

Russ Lloyd: We may have to pay extra for the room on Saturday, to have it televised.

President Robinson: It does not look like we are going to get everybody every day.

Councilwoman Mosby: I am fine with that, I just...I am out of town Friday at 5:00, Saturday and Sunday so if you need to do it on a Saturday, I am going to say up front, I will not be here.

Councilman Weaver: So why can't we do the 14th, 15th and 16th?

President Robinson: Because on the 14th, this room is not available.

Russ Lloyd: The County Commissioners are in at 5:00. Originally when I scheduled 2:30 I thought we would have enough time to finish before the Commissioners came in.

Councilman Weaver: Can we do it early on the 14th and then go to 4:00 on the 15th and 16th?

Councilman Friend: I am just wondering, could...

(Inaudible)

Councilman Friend:...do you think the Commissioners could go to Room 307?

(Inaudible)

President Robinson: Well 2:30, some people cannot get off of work at 2:30.

Councilman Adams: You mean these people.

(Inaudible)

President Robinson: Yes, these people.

Russ Lloyd: The Department Heads will come whenever you tell them but we are talking about the general public

President Robinson: Yeah, okay but some of the Council members cannot get off work at 2:30. You know, they can take their lunch hour at 4:00 so we can start at 4:00. We also had calls from people who want to be here. They cannot be here at 2:30. We all talk about transparency and we want people...

(Inaudible)

Well on Tuesday we cannot start at 4:00.

Russ Lloyd: Because the Commissioners are going to be in here at 5:00 for their regular meeting.

President Robinson: The Commissioners are here. We could start at 4:00 on Wednesday.

Russ Lloyd: And we can on Thursday.

President Robinson: We can on Thursday.

Russ Lloyd: No, on Thursday we will just boot BZA out.

Councilwoman Mosby: Is there another room that we could use on Tuesday because before we have done it over in the other room.

(Inaudible)

Russ Lloyd: It won't be televised.

Councilwoman Mosby: Well we have done it in the mayor's conference room, we have been over in...

Councilman Adams: Once we did it over in the Center.

President Robinson: Yeah we did, we did it in the Center. We sure did.

Councilwoman Mosby: Yes, yes because there were no rooms available.

Councilman Weaver: Can we start at 6:30 p.m. on Tuesday?

President Robinson: Tuesday at 6:30?

Russ Lloyd: We could.

Councilman Weaver: The Commissioners?

President Robinson: I mean, we are public servants. Whatever time we need to start. If we need to be here at midnight, I'll be here at midnight.

Councilman Friend: That could be a good idea. I mean, how long do those meetings happen, I mean the Commissioners meeting, how long are they.

Russ Lloyd: It varies. It depends. They have zonings certain nights too.

President Robinson: We just need to let the public know far enough in advance. If we are going to start Tuesday at 6:30...

Russ Lloyd: Let me...I'll talk to the Commissioners and find out what their agenda is. We can try that, 6:30 and then 4:00 the other two.

President Robinson: Wednesday, 4:00.

Russ Lloyd: Thursday 4:00.

President Robinson: And Thursday 4:00.

Councilman McGinn: Russ, on that Tuesday, maybe the Commissioners could go to that little room if it doesn't need to be televised.

Russ Lloyd: I could request that. But theirs are always televised. All right, we can work on that. So we will plan on those days and we'll just possibly have to move Tuesday. That's good. Thank you.

President Robinson: John, is that okay with you?

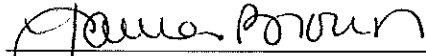
Councilman Friend: Absolutely.

ADJOURNMENT

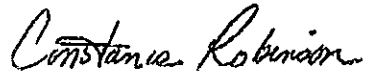
Can I have a motion for adjournment?

Councilwoman Mosby moved and Councilman Weaver seconded the motion to adjourn.
Voice Vote. So Ordered.

Meeting adjourned at 8.20 p.m.



Laura Brown, City Clerk



Constance Robinson, President

petition to oppose rezoning of 801 Prosperity Avenue, Evansville, IN 47713 from an R-1 zone to a C-4 zone

This petition is to oppose rezoning of 801 Prosperity Avenue. Prosperity Avenue is a narrow blocked off street with very limited ways to access other major thoroughfares. This is an appeal to ask that the Board of Zoning Appeals heed the concerns of the residents listed below and deny JA Properties request to rezone.

We, the undersigned, are concerned citizens who urge the Board of Zoning Appeals of Evansville and Vanderburgh County to act now to deny the request to allow rezoning of 801 Prosperity Avenue, Evansville, In 47713.

Printed Name	Signature	Address	Comment	Date
MARION HITE	<i>Marion Hite</i>	807 Prosperity		5-30-12
THOMAS E. BOND	<i>Thomas E. Bond</i>	807 Prosperity		5-30-12
GEORGE MOORE	<i>George Moore</i>	822 Prosperity		5-30-12
TAGUILLA ROBINSON	<i>Taguilla Robinson</i>	827 Prosperity		6-11-12
ANITA CARTER	<i>Anita Carter</i>	837 Prosperity		6-11-12
MICHAEL DUNN	<i>Michael Dunn</i>	901 Prosperity		6-11-12
AMIE THOMAS	<i>Amie Thomas</i>	800 Prosperity		6-11-12
JOHN THOMAS	<i>John Thomas</i>	800 Prosperity		6-11-12
DANIEL BOCHMEIER	<i>Daniel Bochmeier</i>	732 Prosperity		6-11-12
ANGELA DUNN	<i>Angela Dunn</i>	819 Prosperity		6-11-12
BRANDON DRAPE	<i>Brandon Draper</i>	819 Prosperity Ave		6-11-12

Printed Name	Signature	Address	Comment	Date
DEBORAH AGUE	Deborah A. Ague	812 Independence Ave		6-11-2012
LARRY DOSSETT	Sally Dossett	825 Independence Ave		
LANA DOSSETT	Lana Dossett	825 Independence Ave		6-11-2012
KELLY GREEN	Kelly Green	825 Independence Ave		6-11-2012
KIM BROKAW	Kim Brokaw	863 Independence Ave		6-11-2012
KIM WILLIAMS	Kim Williams	867 Independence Ave		6-11-2012
LAURENCE DOSTER	Laurence Doster	2780 Lodge		6-11-2012
DOROTHY MILES	Dorothy Miles	901 Independence Ave		6-11-12
OTIE M. HASTINGS	Otie M. Hastings	901 Independence Ave		6-11-12
TYLINA THOMPSON	Tylina Thompson	905 Independence Ave		6-11-12
NICKIE MURPHY	Nickie Murphy	909 Independence Ave		6-11-12
BEATRICE (RALPH E. COLE)	Beatrice (Ralph E. Cole)	917 Independence Ave		6-11-12
TERESA L. MORGAN	Teresa L. Morgan	900 Independence Ave		6-11-12
NATHANIEL MORGAN	Nathaniel Morgan	900 Independence Ave		6-11-12
CYNTHIA THOMPSON	Cynthia Thompson	945 Independence Ave		6-11-12
LORI WENTZEL	Lori Wentzel	959 Independence Ave		6-11-12

AMENDED AGENDA

ROLL CALL

PLEDGE OF ALLEGIANCE

RECOGNITION OF SCHOOLS

READING AND AMENDMENT OF MINUTES

REPORTS AND COMMUNICATIONS

CONSENT AGENDA

FIRST READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE G-2012-12 PUBLIC WORKS McGINN

An Ordinance amending Chapter 13.20 (Wastewater Discharge Regulations) of the Evansville Municipal Code

ORDINANCE G-2012-13 A.S.D. (MOSBY) LINDSEY

An Ordinance of the Common Council of the City of Evansville, Indiana, amending Chapter 2.50 adding Section 2.50.041 of the Evansville City Code

ORDINANCE F-2012-10 FINANCE FRIEND

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers and Appropriations, Additional Appropriations, and Repeal and Re-Appropriation of Funds for Various City Funds

RESOLUTION C-2012-15 FINANCE FRIEND

A Resolution of the Common Council of the City of Evansville Ratifying, Confirming, Authorizing and Approving an Agreement between the City of Evansville and International Association of Firefighters Evansville Local No. 357 Inc. March 1, 2012 through December 31, 2012.

ORDINANCE R-2012-16 TO APC C-1 to R-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 9 W. Missouri St. Evansville, Indiana

Petitioner: Scott Ashenbremer
Owner: Same
Representative: Same
District: Stephanie Brinkerhoff Riley – Ward 3

CONSENT AGENDA

SECOND READING OF ZONING ORDINANCES

ORDINANCE R-2012-9 FROM APC R-1 to C-4

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 801 Prosperity Avenue.

Petitioner: JA Properties, LLC
Owners: JA Properties, LLC
Representative: Leslie Shively
District: Connie Robinson, Ward 4

This petition comes forward with no action from the Area Plan Commission, having 3 affirmative votes, 5 negative votes, and 1 abstention.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2012-9 FROM APC R-1 to C-4

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 801 Prosperity Avenue.

Petitioner: JA Properties, LLC

CONSENT AGENDA

SECOND READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE F-2012-9 FINANCE FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing transfers and re-appropriations of funds with a city department (DMD)

RESOLUTION C-2012-14 FINANCE FRIEND

A Confirmatory Resolution of the Common Council of the City of Evansville declaring an economic revitalization area for property located at 1719 W. Louisiana Street, Evansville, Indiana (Formerly 1901 W. Louisiana Street)

REGULAR AGENDA

THIRD READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE F-2012-9 FINANCE FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing transfers and re-appropriations of funds with a city department (DMD)

RESOLUTION C-2012-14 FINANCE FRIEND

A Confirmatory Resolution of the Common Council of the City of Evansville declaring an economic revitalization area for property located at 1719 W. Louisiana Street, Evansville, Indiana (Formerly 1901 W. Louisiana Street)

MISCELLANEOUS BUSINESS

There will not be a City Council Meeting next Monday, July 16, 2012. The next City Council meeting will be Monday, July 23, 2012 at 5:30 p.m. Committee meetings will begin at 5:00 p.m. on July 23rd.

Shance Sizemore: Tax Phase-in Compliance Report

Don Mosby: – Speaking about sidewalks.

ADJOURNMENT

AMENDED

The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

ROLL CALL

<u>✓</u> M ^c GINN	<u>✓</u> FRIEND	<u>A</u> O'DANIEL
<u>✓</u> MOSBY	<u>✓</u> LINDSEY	<u>✓</u> WEAVER
<u>A</u> BRINKERHOFF-RILEY	<u>✓</u> ADAMS	<u>✓</u> ROBINSON

There being 7 members present, 2 members absent, and 7 members representing a quorum, I hereby declare this session of Common Council officially opened.

PLEDGE OF ALLEGIANCE

This evening the pledge of allegiance will be led by FRIEND.

Fellow Councilmen and those in the audience, welcome to the July 9, 2012 meeting of the Common Council.

RECOGNITION OF SCHOOLS

Are there any students in the audience who would like to be recognized?

SCHOOL: _____
NAME: _____

SCHOOL: _____
NAME: _____

COUNCIL ATTORNEY

This evening John Hamilton is City Council Attorney.

SERGEANT AT ARMS

This evening Officer DOANE is our Sergeant at Arms.

READING AND AMENDMENT OF MINUTES OF PRECEDING MEETING

Is there a motion to approve the minutes of the June 25, 2012 meeting of the Common Council as written?

Councilman FRIEND moved and Councilman ADAMS seconded the

motion that the minutes of the regular meeting of the Common Council held

June 25, 2012 be approved as written. Voice vote. ✓ So ordered. ✓

REPORTS AND COMMUNICATIONS

IN YOUR JULY 6TH PACKET:

- *City Council Agenda for the July 9, 2012 City Council meeting.
- *Committee Meeting Schedule.
- *City Council Meeting Minutes from the June 25, 2012.
- *Ordinances G-2012-12 and G-2012-13 and F-2012-10.
- *Rezoning Ordinance R-2012-16.
- *Resolution C-2012-15.
- *Area Plan Commission Staff Reports and Minutes of the APC June 14, 2012 Meeting.
- *Schedule of Meetings in the City/County Administration Bldg. for July, 2012.

ON YOUR DESK THIS EVENING:

Councilman Mosby moved and Councilman WEAVER

seconded the motion to receive, file and make these reports and communications a part of
the minutes of the meeting. Voice vote. ✓ So ordered. ✓

CONSENT AGENDA

FIRST READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE G-2012-12 PUBLIC WORKS McGINN

An Ordinance amending Chapter 13.20 (Wastewater Discharge Regulations) of the Evansville Municipal Code

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ORDINANCE R-2012-16 TO APC C-1 to R-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 9 W. Missouri St. Evansville, Indiana

Petitioner: Scott Ashenbremer

Owner: Same

Representative: Same

District: Stephanie Brinkerhoff Riley – Ward 3

Is there a motion to adopt the Consent Agenda, First Reading as written?

Councilman FRIEND moved and Councilman ADAMS seconded the

Motion to adopt the Consent Agenda First Reading as written. Voice vote. So ordered.

CONSENT AGENDA

SECOND READING OF ZONING ORDINANCES

ORDINANCE R-2012-9 FROM APC

R-1 to C-4

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 801 Prosperity Avenue.

Petitioner: JA Properties, LLC
Owners: JA Properties, LLC
Representative: Leslie Shively
District: Connie Robinson, Ward 4

This petition comes forward with no action from the Area Plan Commission, having 3 affirmative votes, 5 negative votes, and 1 abstention.

Is there a motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report?

Councilman MOSBY moved and Councilman MCGINN seconded the motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report. Voice vote. ✓ So ordered. ✓

Council now stands at Third Reading which is final action.

CONSENT AGENDA

SECOND READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE F-2012-9

FINANCE

FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing transfers and re-appropriations of funds with a city department (DMD)

RESOLUTION C-2012-14

FINANCE

FRIEND

A Confirmatory Resolution of the Common Council of the City of Evansville declaring an economic revitalization area for property located at 1719 W. Louisiana Street, Evansville, Indiana (Formerly 1901 W. Louisiana Street)

COMMITTEE REPORTS:

FINANCE COMMITTEE:

CHAIRMAN FRIEND

Councilman Friend: Madam President, your Finance Committee met this evening to hear Ordinance F-2012-9 and Resolution C-2012-14 and both come forward with a (do pass/do not pass) recommendation.

Councilman Mosby moved and Councilman ADAMS seconded the motion to accept the committee reports and move these ordinances to the Third Reading.

Voice vote. So ordered.

REGULAR AGENDA

THIRD READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE F-2012-9

FINANCE

FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing transfers and re-appropriations of funds with a city department (DMD)

Is there a motion to adopt Ordinance F-2012-9 and call the roll?

Councilman FRIEND moved and Councilman MOSBY seconded the motion to adopt Ordinance F-2012-9 and call the roll.

ROLL CALL

✓ MCGINN

✓ FRIEND

A O'DANIEL

✓ MOSBY

✓ LINDSEY

✓ WEAVER

A BRINKERHOFF-RILEY

✓ ADAMS

✓ ROBINSON

There being 7 Ayes and 0 Nays, Ordinance F-2012-9 is hereby declared ADOPTED/DENIED.

REGULAR AGENDA

THIRD READING OF ORDINANCES OR RESOLUTIONS

RESOLUTION C-2012-14

FINANCE

FRIEND

A Confirmatory Resolution of the Common Council of the City of Evansville declaring an economic revitalization area for property located at 1719 W. Louisiana Street, Evansville, Indiana (Formerly 1901 W. Louisiana Street)

Is there a motion to adopt Resolution C-2012-14 and call the roll?

Councilman ADAMS moved and Councilman FRIEND seconded the motion to adopt Resolution C-2012-14 and call the roll.

ROLL CALL

✓ M^cGINN

✓ FRIEND

A O'DANIEL

✓ MOSBY

✓ LINDSEY

✓ WEAVER

A BRINKERHOFF-RILEY

✓ ADAMS

✓ ROBINSON

There being 7 Ayes and 0 Nays, Resolution C-2012-14 is hereby declared ADOPTED ~~DENIED~~.

Evansville Redevelopment Commission (ERC) Update to Evansville Common Council, July 9, 2012

All approved minutes from the ERC meetings are available online at www.evansvillegov.org/ERC.

ERC meetings occur 1st and 3rd Tuesday at 8:30am in Room 307 of the Civic Center.

- **Downtown Hotel –**

Current status: On June 19, 2012, the final Hunden report was delivered and the Request for Qualifications (RFQ) was released. On next Tuesday, July 17, 2012, we will have a pre-submittal conference to answer questions from development teams, walk around development site.

- July 17, 2012 – pre-submittal conference to occur
- August 6, 2012 – RFQ due
- August 21, 2012 – RFP will be issued to qualified RFQ responders
- October 1, 2012 – RFP due
- November 6, 2012 – selection of developer

- **Old Post Office –**

Current status: After a January 19, 2012 declaration of an emergency situation, the Department of Metropolitan Development (DMD) engaged VPS Architecture to evaluate water infiltration damage, write bid specs, and oversee repairs with contractor. After receiving quotes, DMD awarded the emergency repairs contract to Architectural Renovators. The project is 95% complete. We are currently evaluating the financial viability of further repairs to make the facility accessible and more marketable.

- **Bicentennial Park –**

Current status: On May 3 & 17, 2012 DMD conducted 2 public charrettes for design and amenities desired from the public. We are currently evaluating the financial obligations and projected funding sources applicable to the project.

- **Old Greyhound Station –**

Current status: Since a development agreement was signed with Indiana Landmarks in late 2011 to restore the building, DMD has contracted Crane Environmental Services to conduct a Phase 1 Environmental Site Assessment inside the building to identify any potential environmental hazards. Further, DMD contracted Crane to write bid specs for the Abatement of asbestos and lead based paint inside building. After DMD released a Request for Bids, we received 2 bids from local companies and we are currently discussing next steps with Indiana Landmarks.

- **Downtown Streetscape Improvements –**

Current status: Working through last punch-list items for final billing and retainage release.

Evansville Redevelopment Commission (ERC) Update to Evansville Common Council, July 9, 2012

All approved minutes from the ERC meetings are available online at www.evansville.gov.org/ERC.

ERC meetings occur 1st and 3rd Tuesday at 8:30am in Room 307 of the Civic Center.

- **McCurdy –**
Current status: As the City/ERC formerly provided an incentive per unit and a parking lot license agreement – the City does not own the building – we hope that Kunkle and partners are able to reach an agreement with the bank to move the project forward.

MISCELLANEOUS BUSINESS

There will not be a City Council Meeting next Monday, July 16, 2012. The next City Council meeting will be Monday, July 23, 2012 at 5:30 p.m. Committee meetings will begin at 5:00 p.m. on July 23rd.

Shance Sizemore: Tax Phase-in Compliance Report

Don Mosby: – Speaking about sidewalks.

SHANCE	FRIEND	HOOPER	MCGINN	HOOPER	MISSY	FRIEND	BERNIECE
FRIEND	HOOPER	ROBINSON	HOOPER	ROBINSON	ADAMS	ROBINSON	WEAVER
LINDSEY	ROBINSON	HOOPER	ROBINSON	HOOPER	MISSY	BITZ	ROBINSON
SHANCE	ADAMS	HOOPER	STAN WHEELER	ROBINSON	ADAMS	ROBINSON	STEVE SCHAFER
LINDSEY	HOOPER	HOOPER	HOOPER	FRIEND	MISSY	LINDSEY	BERNIECE
SHANCE	ADAMS	HOOPER	WHEELER	Russ Lloyd	ADAMS	ROBINSON	SCHAFER
LINDSEY	HOOPER	HOOPER	ADAMS	FRIEND	MISSY	LINDSEY	BERNIECE
SHANCE	ADAMS	ADAMS	WHEELER	Russ	ADAMS	ROBINSON	SCHAFER
LINDSEY	ROBINSON	HOOPER	ADAMS	FRIEND	ARTHUR	LINDSEY	BERNIECE
LINDSEY	MC GINN	ADAMS	WEAVER	Russ	ROBINSON	ROBINSON	SCHAEFER
SHANCE	HOOPER	HOOPER	WHEELER	FRIEND	MISSY	LINDSEY	ROBINSON
ROBINSON	MC GINN	ROBINSON	ROBINSON	HOOPER	ROBINSON	ROBINSON	BERNIECE
ADAMS	ROBINSON	ADAMS	WHEELER	GRiffin	ROBINSON	LINDSEY	ROBINSON
SHANCE	MC GINN	HOOPER	HOOPER	ROBINSON	ADAMS	ROBINSON	MC GINN
ADAMS	ROBINSON	ADAMS	ROBINSON	HOOPER	JONES	LINDSEY	ROBINSON
SHANCE	HOOPER	ROBINSON	ROBINSON	ROBINSON	ADAMS	MISSY	FRIEND
ADAMS	FRIEND	HOOPER	HOOPER	ROBINSON	JONES	LINDSEY	BERNIECE
SHANCE	HOOPER	ROBINSON	ROBINSON	DON MOSBY	ADAMS	ROBINSON	ROBINSON
WEAVER	FRIEND	HOOPER	FRIEND	ROBINSON	JONES	ROBINSON	BERNIECE
SHANCE	HOOPER	FRIEND	WHEELER	MOSBY	ROBINSON	ROBINSON	ROBINSON
HAMILTON	FRIEND	HOOPER	FRIEND	ROBINSON	ADAMS	CHARLENE	BERNIECE
ADAMS	ROBINSON	HOOPER	HOOPER	MOSBY	ROBINSON	BRAKER	ROBINSON
HAMILTON	FRIEND	HOOPER	ROBINSON	ROBINSON	ADAMS	ROBINSON	ADAMS
SHANCE	HOOPER	FRIEND	MOSBY	ROBINSON	ROBINSON	BRAKER	ROBINSON
ADAMS	ROBINSON	HOOPER	WHEELER	MOSBY	HAMILTON	FRIEND	WEAVER
SHANCE	HOOPER	ADAMS	ADAMS	ROBINSON	MC GINN	BRAKER	ROBINSON
WEAVER	HOOPER	HOOPER	HOOPER	ADAMS	ADAMS	FRIEND	ADAMS
ADAMS	ROBINSON	HOOPER	ADAMS	MOSBY	ROBINSON	ROBINSON	ROBINSON
MC GINN	MOSBY	MC GINN	HOOPER	ROBINSON	ADAMS	ADAMS	ADAMS
SHANCE	HOOPER	HOOPER	HOOPER	ADAMS	ROBINSON	(HANDOUT)	DIANE KEMPA
MC GINN	MOSBY	ADAMS	ADAMS	ROBINSON	PAUL BITZ	ROBINSON	ROBINSON
SHANCE	HOOPER	ROBINSON	HOOPER	MOSBY	PAUL BITZ	BRAKER	MISSY
ROBINSON	ROBINSON	WEAVER	ROBINSON	ROBINSON	ROBINSON	MC GINN	KEMPA
SHANCE	HOOPER	HOOPER	MOSBY	ARTHUR MC?	LINDSEY	BRAKER	ROBINSON
ROBINSON	ROBINSON	WEAVER	ROBINSON	ROBINSON	BITZ	ROBINSON	ADAMS
SHANCE	HOOPER	HOOPER	HOOPER	ADAMS	ROBINSON	BERNIECE	KEMPA
ROBINSON	WEAVER	HOOPER	ROBINSON	ARTHUR	ADAMS	TURNER	ROBINSON
HOOPER	HOOPER	WEAVER	HOOPER	ADAMS	FRIEND	WHEELER	KEMPA
(HANDOUT)	ROBINSON	HOOPER	ROBINSON	MISSY	ROBINSON	BERNIECE	ROBINSON
		ROBINSON	ROBINSON	ADAMS		WEAVER	ROBINSON

ROBINSON

KEMPA

ROBINSON

ADAMS

KEMPA

ROBINSON

KEMPA

ROBINSON

KEMPA

ROBINSON

HAMILTON

STEVE ALSOP

ADAMS

ALSOP

ADAMS

ALSOP

ROBINSON

ALSOP

RICK KENNEDY

ROBINSON

DEANA HERBERT

ADAMS

HERBERT

ROBINSON

MISSY

ROBINSON

GLORIA ALTMAN (GLORIA'S CORRAL CLUB)

ROBINSON

GLORIA

ROBINSON

RANDY JONES

HAMILTON

MOTION WEAVER

2nd Lindsay VOICE VOTTE

I am speaking on an issue that troubles me — that of preserving the James Bethel Gresham Memorial Home located at 2 Wedeking Avenue, Evansville, Indiana. It overlooks Garvin Park. Corporal James Bethel^{Gresham} was the first American soldier killed in World War I, 1917. He died as a true patriot in the muddy, rat infested trenches in France. He was from Evansville.

In memory of James Bethel Gresham and in gratitude for his patriotic service, the citizens of Evansville started a collection for the Hero Home Fund to build a home for his mother, Alice Bethel Gresham. Within two weeks the fund had grown to \$1,500. Construction began, and the family moved in August, 1918. They lived there until the death of his mother in 1927.

After her death the home was occupied by the Service Star Legion; originally the War Mothers where it was maintained as a memorial to James Bethel Gresham and as a War Museum until 1948. Since 1948 the home has been owned by the Evansville, IN City Parks and Recreation Department and maintenance was done by this department.

July 3, 2012 a group of volunteers went to the home to clean in preparation for tours of the home July 4th. Upon entering they were shocked by the sights they saw, all due to long neglect. Do we always have to rely on government action to own, maintain parks and buildings? Could a Foundation be established to take over this home of national historical significance?

Berniece Tirmenstein
July 9, 2012 - City Council

COMMITTEE REPORTS:

A.S.D. COMMITTEE:

Re: Ordinance G-2012-13
Date: July 23, 2012
Time: 5:00 p.m.
Notify: John Hamilton

CHAIRMAN MISSY MOSBY

Amending Chapter 2.50 and
adding Section 2.50.041
(Redevelopment Commission)

FINANCE COMMITTEE:

Re: Resolution C-2012-15
Date: July 23, 2012
Time: 5:05 p.m.
Notify: George Fithian/Carol McMichael

CHAIRMAN JOHN FRIEND

Ratifying the Firefighters Contract
for March 1, 2012 – December 31, 2012.

Re: Ordinance F-2012-10
Date: July 23, 2012
Time: 5:05 p.m.
Notify: Russell. G. Lloyd, Controller

Authorizing Transfer of Funds, Repeal
and re-appropriation of funds.

PUBLIC WORKS COMMITTEE:

Re: Ordinance G-2012-12
Date: July 23, 2012
Time: 5:10 p.m.
Notify: Ted Ziemer

CHAIRMAN DAN McGINN

Amending 13.20 of the Municipal Code
(Wastewater Discharge Regulations)

Re: Ordinance G-2012-7
Date: July 23, 2012
Time: 5:20 p.m.
Notify: Maria Worthington

Petition to vacate a public way or
public place, part of SE 5th Street
in Donation Enlargement.

Re: City/County Joint Budget Hearings

Date: August 7, 2012 (Tuesday)
Time: 3:30 - ?
Room 301

**Re: Community Development Block Grant Agency Presentations to City Council
Emergency Shelter Grant
HOME**

Date: August 8, 2012 (Wednesday) |
Time: 4:00 p.m. to 6:00 p.m.
Notify: Donna Bailey (DMD)

Re: **City Budget Hearings** 2:30 4:00 4:00
Date: August 14th, 15th, 16th, 2012 (Tuesday, Wednesday, Thursday)
Time: 2:30 p.m.
Room 301

ADJOURNMENT

Councilman Mosby moved and Councilman WEAVER

seconded the motion to adjourn. Voice Vote. / So Ordered. /

Meeting adjourned at 8:20 p.m.

City of Evansville

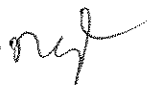
Controllers Office

Room 300, 1 NW Martin Luther King Jr., Blvd.

Evansville, IN 47708

(812) 436-4919

MEMORANDUM

To: Honorable Members of Common Council
City of Evansville
From: Russell Lloyd Jr., Controller 
Date: July 9, 2012
Subject: Glossary for 2012 Monthly Financial Report

Dear Council Members:

To assist you with information provided to you from the Controller's Office, I want to offer a glossary type explanation of the monthly "Blue Book" Financial Report you receive.

(I'm using the May 2012 Financial Report.)

Section 1 – Account Summary Trial Balance for FY12/ Jan to May (Pages 1-18).

This is the Cash Report that shows beginning balances for Funds, Debits, Credits and ending Balance.

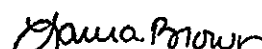
Beginning Balance = 12/31/11 Fund Cash Balances
Debits = Receipts and transfers in
Credits = Expenditures and transfers out
Ending Balance = 5/31/12 Fund Cash Balances

Section 2 – Investment Breakdown (Page 18).

The City of Evansville investments by financial institution, type, amounts and separated by operating funds and restricted funds.

FILED

JUL 09 2012


CITY CLERK

Section 3 – Outstanding Investments May 2012 (Pages 19-22).

The City of Evansville and agencies investments by fund and accounts showing type, amount, interest rate, maturity date and institution.

Section 4 – Monthly Revenue Report – Cash Basis (For 2012 05) (Pages 23-68).

This shows the City of Evansville revenues and transfers in from January 1 to May 31, 2012. This is broken down by Fund, then accounts. It shows columns for

Original Estimate (Annual)
Revised Estimate (Annual)
Actual YTD (Jan. 1 to May 31, 2012) Revenue
Actual MTD (May 2012) Revenue
Remaining Revenue [Revised Estimate – Actual YTD Revenue = Remaining Estimated Revenue for Year]

Section 5 – Monthly Deficit Report. (Page 69).

This shows which Funds are in deficit and what corrective action will be taken.

Section 6 – Monthly Expenditure Report – Cash Basis (Page 70- 164).

This shows the City of Evansville expenditures and transfers out from January 1 to May 31, 2012. This is broken down by Fund, then accounts. It shows columns for

Original Appropriation (Annual)
Revised Budget (Annual)
YTD Expended (Actual Jan. 1 to May 31, 2012) Expenditures and transfers out
MTD Expended (Actual May 1 to May 31, 2012) Expenditures and transfers out
Encumbrances (Through May 31, 2012) These are purchase orders and contracts that tie up or designate available funds
Available Budget [Revised Budget – YTD Expended – Encumbrances = Available Funds for Remainder of year]

I hope this helps explain the monthly "Blue Book" Financial report. We are working to improve these and our other reports and transparency to the public as well.

Please contact me if you have any questions.